The Declaration of Independence
The Constitution of the United States
The Constitution of New Jersey

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to

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DECLARATION OF INDEPENDENCE
CONSTITUTION OF THE UNITED STATES
CONSTITUTION OF NEW JERSEY

ANNOTATED BY
CHESTER F. MILLER

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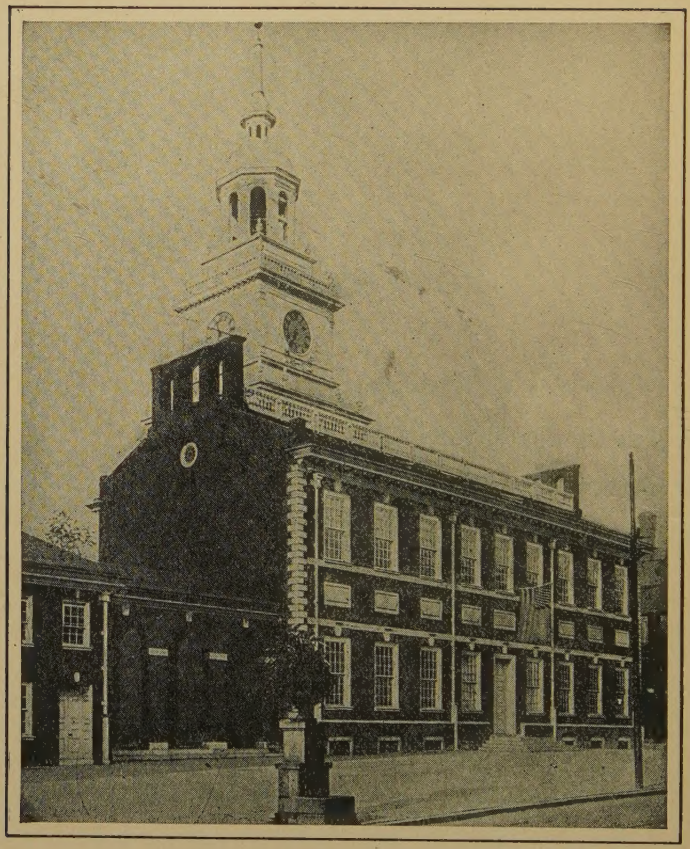


INDEPENDENCE HALL, PHILADELPHIA, PA.

THE DECLARATION OF INDEPENDENCE

In Congress, July 4, 1776.

The Unanimous Declaration of the thirteen United States of America:

"When in the course of human events, it becomes necessary for one people to dissolve the political bands, which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.—We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.—That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed

Preamble, or Introduction, Telling Why the Declaration Is Publicly Issued.

Statement of the Rights of Men, the Reasons for Establishing Governments, and the Circumstances Under Which Changes in Govern-

Signing the Declaration of Independence

for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.—

ment Are Justifiable.

He has refused his Assent to Laws, the most wholesome and necessary for the public good. He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.—He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.—He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.—He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the

Statement of the Unjust Acts of the King.

people.—He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.—He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.—He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.—He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.—He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.—He has kept among us, in times of peace, Standing Armies without the Consent of our legislature. —He has affected to render the Military independent of and superior to the Civil power.—He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation!—For quartering large bodies of armed troops among us:—For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:—For cutting off our Trade with all parts of the world:—For imposing Taxes on us without our Consent:—For depriving us in many cases, of the benefits of Trial by Jury:—For transporting us beyond Seas to be tried for

pretended offences:—For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:—For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:—For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.—He has abdicated Government here, by declaring us out of his Protection and waging War against us.—He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.—He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty, perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.—He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.—He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.—In every stage of these Oppressions We have Petitioned for Redress in the most humble terms. Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a

Statement of the Remonstrances of the Colonists.

free people. Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.—WE, THEREFORE, the

Conclusion—The Declaration of Colonial Independence.

REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN GENERAL CONGRESS, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions do, in the Name, and by authority of the good People of these Colonies, solemnly PUBLISH and DECLARE, That these United Colonies are, and of Right ought to be FREE AND INDEPENDENT STATES; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain is and ought to be totally dissolved; and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor."

Only a few of the signatures on the parchment copy [1] are now legible. Consequently they are given below:

John Hancock.
Samuel Chase.
Wm. Paca.
Thos Stone.
Charles Carroll of Carrollton.
George Wythe.
Richard Henry Lee.
Th Jefferson.
Benja Harrison.
Thos. Nelson jr.
Francis Lightfoot Lee.
Carter Braxton.
Robt Morris.
Benjamin Rush.
Benja Franklin.
John Morton.
Geo Clymer.
Jas Smith.

Geo. Taylor.
James Wilson.
Geo. Ross.
Caesar Rodney.
Geo Read
Tho M: Kean
Wm Floyd.
Phil. Livingston.
Arthur Middleton.
Button Gwinnett.
Frans. Lewis.
Lewis Morris.
Richd. Stockton.
Jn° Witherspoon.
Fras. Hopkinson.
John Hart.
Abra Clark.
Josiah Bartlett.

[1] "There are three texts of the Declaration which may be called official. One is the text in what is called the 'rough' *Journal;* a second is the text in the 'corrected' *Journal;* a third is the text on parchment, the one which was signed by the members of Congress. The most authoritative text, one would suppose, should be that in the corrected *Journal.* Apart from spelling, punctuation, and capitalization, this text is the same as that in the rough *Journal* except in two instances, in each of which a single word is omitted from the text in the corrected *Journal* which appears in the rough *Journal.* That these omissions were not intentional seems clear from the fact that they were not made in the final parchment copy. The above follows the parchment copy except the last paragraph which is changed in capitalization for emphasis."

Wm. Whipple.
Saml Adams.
John Adams
Robt Treat Paine.
Elbridge Gerry.
Step Hopkins.
William Ellery.
Roger Sherman.
Saml Huntington.
Wm Williams.
Oliver Wolcott.
Matthew Thornton.
Wm Hooper.
Joseph Hewes.
John Penn.
Edward Rutledge.
Thos. Heyward Junr.
Thomas Lynch Junr.
Lyman Hall.
Geo Walton.

THE CONSTITUTION OF THE UNITED STATES,[1] AND AMENDMENTS

"Not a dead, dull document, but the very substance of our freedom."

September 17, 1787

Preamble.

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

The Preamble serves to introduce the purposes of the Constitution by first indicating its source (the people rather than the states); secondly, it insures national unity, peace at home and while traveling abroad, justice in courts, personal liberty, and provides for the welfare of all.

ARTICLE I

Legislative Powers.

SECTION I. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section I of Article I vests all legislative powers in Congress. Note that Section I of Article II vests executive power in the President and that Section I

[1] The parts italicized and in brackets throughout the Constitution as printed here are obsolete or no longer operative.

of Article III vests judicial power in the Supreme Court.

House of Representatives.

SECTION II. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Since 1920 women vote the same as men. "Electors" means voters which now includes nearly all citizens over twenty-one years of age. The members of the House are called Congressmen.

Qualifications of Representatives.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

These qualifications give us stronger candidates, and allow even immigrants a chance to hold office after seven years of citizenship. Custom requires a person to be a resident of the district from which he is chosen.

Apportionment of Representatives.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers [*which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons*]. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; [*and, until such enumeration shall be made, the State of New*

Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three].

The clause embodying the "three-fifths rule" was rendered obsolete by Amendment XIV, Section 2. The temporary apportionment clause beginning "and until such enumeration is made—" expired in 1791. The first census was taken in 1790, and a federal census has been taken every ten years since that time.

Vacancies, How Filled.

When vacancies happen in the representation from any State, the Executive Authority thereof shall issue writs of election to fill such vacancies.

If a representative dies, resigns, or is removed from office, the Governor of his state may call a special election to choose a successor. This guarantees equal representation to all.

Officers.

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

The Speaker or "Chairman" of the House is chosen by the members every two years and has great power because he usually represents the party in control. In a case of impeachment the House makes the charges of misconduct in office, but the Senate acts as a jury and makes the decision.

Senate.

SECTION III. The Senate of the United States shall be composed of two Senators from each State, chosen [*by the Legislature thereof*], for six years; and each Senator shall have one vote.

This paragraph is superseded by Amendment XVII, which provides that Senators are elected by direct vote of the people.

Classification of Senators. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. [*The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year*], so that one-third may be chosen every second year; [*and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies*].

The term of a Senator is six years. This scheme makes the Senate a continuous body with one third retiring every two years.

Qualifications of Senators. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Qualifications for Senators are higher than those for representatives, as it was thought that older, more experienced and better prepared men should compose the Senate.

Vice President. The Vice President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

The Vice President presides over the Senate. He has practically no power, voting only in case of a tie.

Officers. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

If the Vice President should be absent for any reason, the Senate may then choose one of its own members as the presiding officer. The Senate, like the House, makes rules for conducting its business and records its proceedings.

Senate a Court for Trial of Impeachments.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

An impeachment case is similar to a grand jury hearing. Only "civil officers of the United States" are subject to impeachment. Members of the House and Senate are not included because they try their own members. President Johnson was impeached in 1868, but the vote for conviction fell short of the necessary two-thirds. Judges Pickering in 1804, Humphries in 1862, and Archibald in 1912 were impeached and convicted. Remember that impeachment means accusation, not conviction.

Judgment in Case of Impeachment.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

In the several cases of impeachment under our Constitution, officials found guilty were merely removed from office, sometimes disqualified from holding federal offices. Guilty parties are subject to further trial under Amendment V. The object

of impeachment is to protect us from acts of disloyal officials not to punish crime.

Elections of Senators and Representatives.

SECTION IV. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators.

A state sets the qualifications of age and residence, and some states require an educational qualification, usually the ability to read and write.

Congress has superseded the states by making regulations authorizing voting by written or printed ballots, requiring contiguous districts, and the time for the election of members of Congress as the first Tuesday after the first Monday in November of every second year. Congress also fixed the day for voting in all states for the electors of the President and Vice President as the first Tuesday after the first Monday in November.

Meeting of Congress.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Under this paragraph new members elected in November do not take their seats until December of the next year, more than a year after election.

Organization of Congress.

SECTION V. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide.

In either house, the quorum or number required to do business is a majority or more than half of the members. That would mean at least 49 Senators and 218 Representatives.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member. **Rule of Proceedings.**

Either House has censored members and expelled some. In 1910 the Insurgent movement in the House resulted in many changes in the rules. Persons not members may be punished for contempt of the House or of a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal. **Journal of Proceedings.**

The Congressional Record published daily while Congress is in session furnishes for the benefit of the public the proceedings and a record of the vote.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting. **Adjournment of Congress.**

Since 1800 Congress has met at Washington, D.C. Action of both Houses is required to make a legislative measure a law; consequently both should be in session at the same time and place.

Pay and Privileges of Members.

SECTION VI. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

This paragraph allows members to perform duties without interference and removes every restriction on debate except their own rules of order.

Other Offices Prohibited.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

This paragraph prevents members from increasing their own salaries and establishing offices for personal gain during their term. No person can hold a federal office and be a member of either House at the same time.

Revenue Bills.

SECTION VII. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills.

The plan is designed to permit the body nearest the people to control expenditure of money raised by taxation but practically without effect since the Senate can amend a revenue bill by substituting a new measure as an enacting clause.

How Bills Become Laws.

Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of that House it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return; in which case it shall not be a law.

If Congress adjourns during the ten days that a President is entitled to hold a bill for investigation, he has absolute veto power. He simply withholds his signature to nullify the bill. This is called a "pocket veto." President Cleveland vetoed 301 bills during his first administration. A President cannot veto single items. Many times undesirable provisions called "riders" are attached to bills and become laws. Nine bills have been signed after adjournment since 1789. Eight of these were signed in this way in 1920.

President's Power Over Legislation.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and the House of Represen-

tatives, according to the rules and limitations prescribed in the case of a bill.

The veto gives the President more power over Congress, thereby giving him a better opportunity to state his objections and control his program of legislation. "Veto" is a Latin word, meaning *I forbid.*

Powers Vested in Congress.

SECTION VIII. The Congress shall have power:

To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

The Sixteenth Amendment should be added to this to make it cover Income Taxes. Congress is curtailed by Section 9 (5) from levying taxes on exports; by Section 9 (6) from discriminating in taxes at different ports of entry. Duties are customs taxes.

Excises are taxes on domestic production, sale, or use of articles, such as tobacco.

Imposts are customs taxes combining the idea of both duties and excises in one word.

Financial.

To borrow money on the credit of the United States.

This was the basis of Hamilton's plan of refunding the national debt in 1790. It gives Congress power to use the credit of the United States to issue paper money, charter national banks, establish a Federal Reserve System, and issue Treasury notes and bonds such as the Liberty or Victory Loans.

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes. **Commerce.**

Congress has the power to control interstate commerce and communication; in fact every species of such commercial intercourse. States are forbidden to levy any import or export duties against other states. Various acts, such as the Sherman Act to control industry and the Transportation Act creating a Railroad Labor Board connected with Interstate commerce, have been passed under this clause. It is called the "commerce clause."

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States. **Naturalization and Bankruptcy.**

Under the Articles of Confederation provisions for bankruptcy were omitted. Consequently state insolvency laws were passed with varied requirements giving priority to local creditors. This clause took precedence over state laws, and an act of Congress made it operative.

If creditors having claims of $500 or more against any person, company, corporation, or bank, file a petition in the United States Courts showing the existence of debts amounting to $1000 or evidence of the assignment of property within four months showing preference for certain creditors or evidence that a preferred creditor obtained preference by legal proceedings, the court as a result of the request may declare involuntary bankruptcy.

On the other hand if any person, except a corporation, makes voluntary assignment of his property in a United States District Court for the benefit of his creditors, and of his own accord admits in writing that his debts exceed his property, he is adjudged a voluntary bankrupt. However, a person cannot take advantage of the voluntary bankruptcy law more than once in six years.

It is apparent that the law operates to the advantage of both creditors and debtors. If no fraud appears in the hearing, a bankrupt is released to go in business again free from further legal obligations to pay the debts involved except those owed to the municipality, credits secured through fraudulent pretense, alimony, and a few other exceptions.

Coins, Weights and Measures.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

Congress controls the coining of all money and the printing of paper money. Paper money is really an order on the Treasury for its face value in gold or silver deposited there. Standard weights and measures are kept at Washington, but duplicates are kept at state capitols. Uniform standards safeguard the public from fraud in buying and selling.

Counterfeiting.

To provide for the punishment of counterfeiting the securities and current coin of the United States.

Making coins, paper money, or stamps in imitation of those of the United States is called "counterfeiting." Regardless of the conditions under which

such imitations are made, the violator is subject to severe punishment by the federal courts.

To establish post-offices and post-roads. **Post-Offices.**

The service granted by this clause benefits every citizen. Rural Free Delivery, Air Mail Service, and the Federal Highway Act show that our government is not slow to utilize every facility to give its citizens service. It can use injunction and other legal means to prevent interference with transportation of the mails. It also has the power to punish for misuse of the mails.

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries. **Inventions, Copyrights, and Trade Marks.**

This clause protects authors and inventors not only here, but by international agreement extends to other countries as well. A copyright lasts twenty-eight years and can be renewed for twenty-eight more. Books, films, maps, cartoons, etc., are protected by copyrights. Holders of patents have the exclusive right of manufacture for seventeen years but cannot control sales or prices.

To constitute tribunals inferior to the Supreme Court. **Courts.**

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations. **Piracies.**

Congress is given power to define and punish crimes committed by its citizens at sea and in viola-

tion of International Law. Requiring protection for our citizens creates responsibility for their acts against other nations.

Piracy is robbery committed on the high seas; felony is a crime punishable either by death or by imprisonment in the State prison.

War. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

Under this clause Congress declared war in 1812, 1846, 1898, and 1917. It is now generally recognized that the President can take action leading to a state of war, but Congress has the final decision.

Letters of marque are commissions to owners of private ships to make war on ships of the enemy.

Army. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

In times of peace the standing army is necessarily small in a democracy. The two years' clause permits the people to control the expenditure and determine the size of the standing army.

Volunteer armies have been sufficient except in Draft Army law of 1863 and the selective service draft of 1917.

During the World War this clause was used as a basis when our nation took over the management of railroads, the control of food and fuel, the output of factories, the classifying of essential and non-essential industries, and the establishing of war prohibition.

To provide and maintain a navy. **Navy.**

The limit of navy growth is now controlled by the 5-5-3 [1] agreement. In the last few years the Naval Air Service has made an enviable record.

To make rules for the government and regulation of the land and naval forces. **Regulations of Army and Navy.**

The National Defense Act of 1916 practically makes a national guard of the state militia. The organization is now so planned that the ranks can be filled by conscription and the militia reorganized as was done in 1917. The new organization scheme built around experienced men will facilitate the training of an army.

In accordance with the provisions of the National Defense Act amended in 1924 the government designated September 13, the birthday of General Pershing, as National Defense Day. On this day a

[1] The Washington, D.C., Conference was called in 1921 at the suggestion of the United States to limit the naval armament of the leading nations of the world. Secretary of State Hughes in addressing the Conference suggested that the United States and Great Britain each be limited to battleships aggregating 500,000 tons and Japan to 300,000 tons or a 5-5-3 ratio. As a result of the controversy a covenant was drawn whereby Naval Armament was limited to the ultimate battle fleets of the five signatory powers as follows:

United States and Great Britain 525,000 tons each, Japan 315,000 tons, and France and Italy 175,000 tons each. An agreement was also made on the scrapping of certain ships of each nation on the basis of this ratio. No battleship may exceed 35,000 tons nor carry guns of a caliber exceeding sixteen inches. No limitation was placed on submarines or auxiliary craft. This agreement was thought to be a step toward world peace.

mobilization of the entire military strength and resources of the United States was requested by the War Department.

Calling Militia.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

Militiamen may not be called to duty by the President more than nine months out of any twelve. The militia was first called in the Civil War and has been called in every war since.

Training Militia.

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

The militia of a state is made up of men between the ages of eighteen and forty-five. In most states they receive compensation for drill services and spend some time in a training camp each year. The state appoints the officers, but when serving under the United States, Congress has charge of its organization.

Seat of Government.

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dry-docks, and other needful buildings.

The District of Columbia was located in 1791, and Washington, D.C., situated therein became

the capital in 1800. Congress makes the laws and has complete control over the district. The residents have no vote and elect no representative to Congress nor other city or district officers. Indian reservations, arsenals, federal parks, etc., fall within the meaning of this clause, and crimes committed in such places are punished in federal courts.

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof. **Elastic Clause.**

Anticipating the changing conditions due to inventions, progress, and improved conditions of living, this clause has saved many changes in the Constitution. It gives Congress a large measure of control over other departments of government. Congress under this clause is limited to supplementing the enumerated powers given under the Constitution.

SECTION IX. (1.) [*The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.*] **Limitations on Congress.**

Refers to slave trade (now obsolete).

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it. **Habeas Corpus.**

A writ of Habeas Corpus permits a speedy trial

and is suspended during war in order to better protect our interests.

Attainder. No bill of attainder or ex post facto law shall be passed.

A "bill of attainder" is a legislative act usually resulting without trial in pronouncing a death penalty against an accused person or group of persons, and depriving of all civil rights and power to inherit or transmit property. This was a precaution against the revival of abuses formerly common in England.

This ex post facto clause provides against the enactment of a law making a certain act a crime after it has been committed; also against increasing the penalty for such an act.

Direct Taxes. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

This clause gives the power to levy income taxes. Two income tax acts based on this clause have been declared unconstitutional, because it was not practicable to levy an income tax according to population. This paragraph refers to "poll tax" or "head tax" which has never been levied by the United States. Amendment XVI makes it possible to levy an income tax "without regard to census or enumeration."

Regulations Regarding Customs Duties. No tax or duty shall be laid on articles exported from any State.

Exports are goods sent out of the state for commercial purposes. The principle of not taxing exports was adopted to encourage trade abroad.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another. **Interstate Commerce.**

This section gives each state an equal chance and strengthens the idea of "united states."

No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time. **Appropriations.**

It is the express duty of the comptroller of the Treasury to see that this paragraph is enforced. The budget system has systematized government expenditures and resulted in saving many millions of dollars.

No title of nobility shall be granted by the United States. And no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state. **Titles of Nobility Prohibited.**

Their prejudice against autocracy led our forefathers to take this precaution to *insure democracy.*

SECTION X. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility. **Limitations on States.**

No State shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the

net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

This section is intended to state definitely what states cannot do, and doubly emphasizes the powers given and denied Congress, particularly in regard to foreign relations, war, currency, and national commerce.

ARTICLE II

Executive Department

SECTION I. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

A President is elected every four years and inaugurated the following March 4. There is a general feeling that this date should be changed. The number of terms a President may serve is not mentioned in the Constitution. The common feeling that a tenure of two terms is long enough grew from a statement by President Washington, when he refused to consider a third term.

Electors.

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may

be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector.

The "Electoral College" was originally planned to give each elector a free choice for President, but now all vote as they are pledged when nominated at their party conventions. The vote is taken by states. It is possible that a President may be selected even though he does not get the majority of the total popular votes cast. Several Presidents have been elected in this manner.

Proceedings of Electors. —Proceedings of the House of Representatives.

[*The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed, and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the vote shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.*]

Superseded by Amendment XII.

Time of Choosing Electors.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

Electors are chosen on Tuesday following the first Monday of November every fourth year. Electors usually meet at each state capitol and cast their votes on the second Monday of the following January, and Congress meets at one P.M. of the second Wednesday in February, to receive the vote.

Qualifications of the President.

No person except a natural-born citizen, [*or a citizen of the United States at the time of the adoption of this Constitution*], shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years and been fourteen years a resident within the United States.

There is nothing in the Constitution to prevent a woman, or a negro, or a person of any religious belief from becoming a President if he has the necessary qualifications and gets the necessary votes.

Presidential Succession.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected.

In six cases under the Constitution a Vice President has become President, at the death of Presidents Harrison, Taylor, Lincoln, Garfield, McKinley,

and Harding. What constitutes disability has never been fully decided.

Compensation.

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

The President's salary is $75,000 a year, with $25,000 for travel, and $117,000 for White House upkeep and clerk hire. He pays income tax as other citizens. If the President's salary is increased, the incumbent cannot benefit by the increase.

Oath of Office.

Before he enter on the execution of his office he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

The above oath is administered by the Chief Justice of the Supreme Court at high noon on March 4 following the election. Woodrow Wilson took the oath on Sunday, March 4, 1917. The word "affirm" is inserted because people of certain religious beliefs will not take an oath.

Powers of President.

SECTION II. The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States except in cases of impeachment.

In war time authority must be centralized. The President also commissions all army officers and directs the war in a general way. A reprieve suspends a sentence; a pardon remits a penalty. The term "heads of departments" refers to the ten department heads or cabinet members selected by the President to counsel with him.

Treaties. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

"A treaty is the supreme law of the land," and the conditions are such that a President can dominate. Washington tried unsuccessfully to counsel with the Senate; consequently the Senate later created a Committee on Foreign Relations as a medium to keep the President informed. Once a treaty is made it requires both branches of Congress to abrogate it. The President appoints a few personal agents outside of those he nominates and commissions. President Harding appointed two Senators as delegates to the Washington Conference in which nine nations drafted treaties for the reduction of armaments and others respecting the promotion of peace.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions, which shall expire at the end of their next session. **Vacancies.**

When a vacancy occurs while Congress is not in session, the President names an appointee temporarily. If the Senate at its next session does not approve the appointment, it must terminate.

SECTION III. He shall from time to time give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States. **Calling, Adjourning, and Advising Congress.**

President Wilson revived the Washington-Adams idea of appearing in person and reading his message before Congress. President Coolidge delivered the first message that was broadcast by radio. Frequent extra sessions have been called, but Congress has never been adjourned by the President.

SECTION IV. The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. **Removal of Civil Officers.**

This section makes special provision for the trial and removal of any of the civil officers of the United States.

ARTICLE III

Judicial Department.

SECTION I. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

To What Cases it Extends.

SECTION II. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State, claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

The states must submit to the decisions of the United States courts in all cases where the Constitution, federal laws, or treaties are involved. "Cases of admiralty and maritime jurisdiction" not only apply to the high seas "but navigable waters of the United States" as well. The word "citizens" in this section includes corporations, since a corporation is regarded as a citizen of the state which charters it.

Jurisdiction of the Supreme Court.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before-mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Note that Amendment VII further restricts the Supreme Court.

Rules Respecting Trials.

The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed.

Compare with Amendment VI.

Treason Defined.

SECTION III. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

This is the only crime defined in the Constitution. In the trial of Aaron Burr the evidence was "irrelevant until there be proof of the overt act by two witnesses." Hence he was permitted to escape punishment.

How Punished.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

Clause one grants the power to punish treason, but clause two protects the innocent children of the guilty against the once common practice of visiting on the children the penalties of those found guilty. The word "attainder" in this case means conviction.

ARTICLE IV

Rights of States.

SECTION I. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEAL OF THE UNITED STATES

This section means that if a document is recorded, a marriage legally performed, a divorce legally granted, or a case is decided in one state, it should generally speaking be recognized in all.

Rights of Citizens.

SECTION II. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Protects rights of citizens of each state in all states.

Extradition.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

This section provides for the return of accused persons who try to evade the law by fleeing to another state. This is called "extradition," and the power of delivery is in the hands of the Governor in the state where the criminal seeks refuge.

Fugitive Slaves.

[*No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.*]

Now obsolete. See Amendment XIII.

New States.

SECTION III. New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

New states are admitted on a basis of equality with the consent of both the Federal Government and the citizens of an organized territory. States are guaranteed protection from without and assistance if necessary to settle troubles within.

Power of Congress Over Public Lands.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Congress has power to acquire territory, set up territorial governments, and lease lands or mines. Whether that power comes from this paragraph or is acquired in its capacity as a sovereign is not fully determined.

Republican Government Guaranteed.

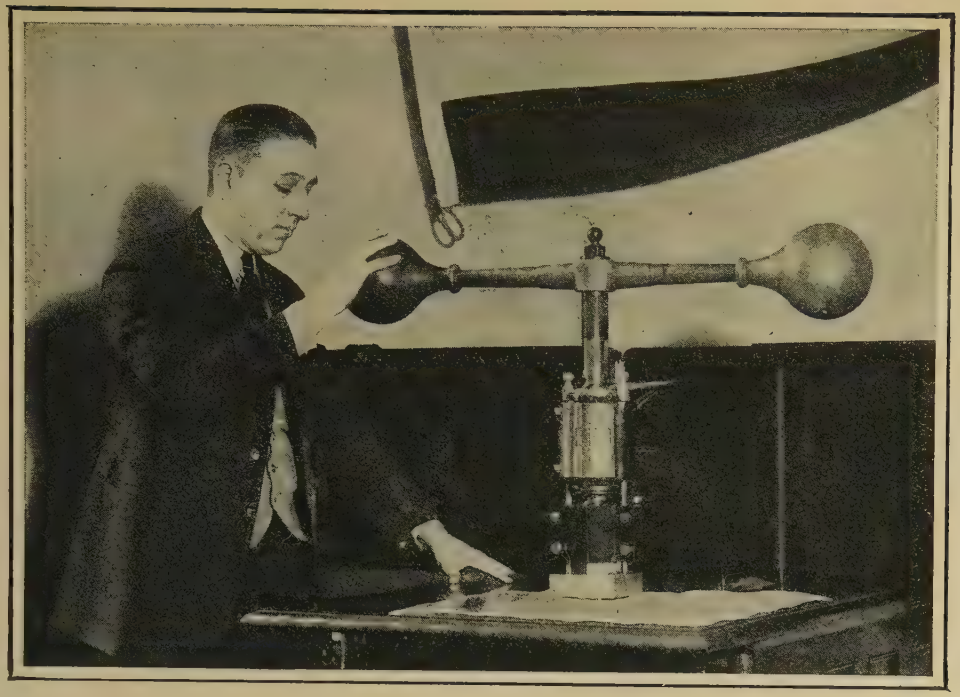
SECTION IV. The United States shall guarantee to every State in this Union a republican form of government and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

By a declaration made by President Tyler concerning rebellion in Rhode Island in 1842, it was established that Congress could overthrow a separate republican government established within a state. Under the last clause the President is authorized to employ military forces of the United States or militia of the states to discharge the duties of the United States. During the railway strike in 1894, President Cleveland sent troops to Chicago against the protest of the Governor of Illinois.

ARTICLE V

Amendment of the Constitution.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-



THE MACHINE WHICH STAMPS THE GREAT SEAL OF THE UNITED STATES

fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided [*that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the Ninth Section of the First Article; and*] that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Of the two methods only the first has ever been used; *i.e.*, proposed by Congress and referred to the state legislatures. Neither the President nor the courts have any voice in the matter; in fact the fourteenth and fifteenth amendments were passed by Congress and submitted to the states without the President's official knowledge and approval. The first exception expired in 1808. The second is the only part of the Constitution that cannot be amended without unanimous consent.

ARTICLE VI

Validity of Debts.

[*All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.*]

Under Hamilton's plan of refunding the debt our government took the honorable course of carrying out the promises made and obligations assumed under the Articles of Confederation.

Supreme Law of the Land.

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

This clause asserts that the authority of the Federal Government is supreme over the states, and that state laws in conflict with National laws must give way.

Oath to Constitution.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

State officers are often required to discharge duties authorized by the national Constitution, and taking the oath also emphasizes their obligation to the national government.

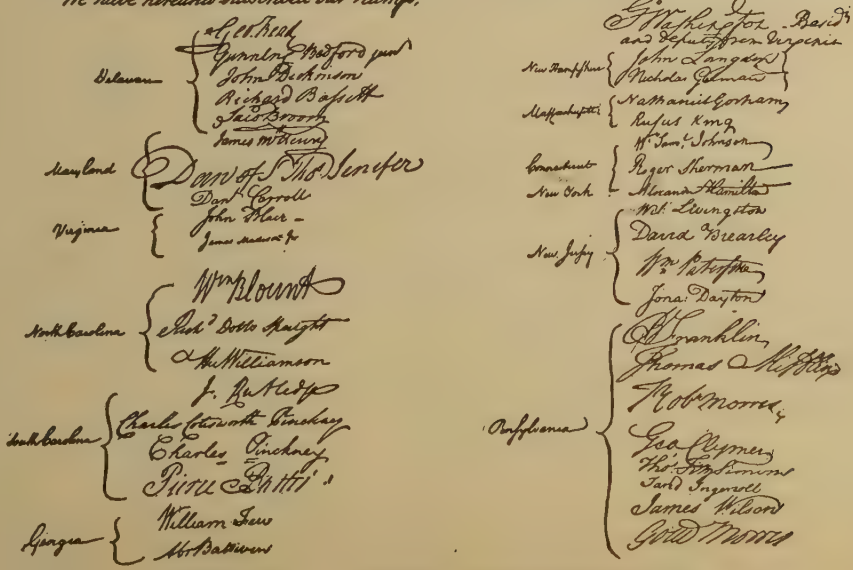
The "religious test" means that a person elected to office shall not be required to repudiate a recognized religion. The word "affirmation" was inserted for the special benefit of the Quakers.

ARTICLE VII

Ratification of the Constitution.

The Ratification of the Conventions of nine states [1] shall be sufficient for the Establishment of this Constitution between the states so ratifying the same.

[1] Note that unlike the Articles of Confederation it required only nine states to ratify.



SIGNATURES OF MEMBERS OF THE CONVENTION.

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURE OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

The first ten amendments were proposed by Congress at their first session, in 1789, and ratified by the states in 1791. This constitutes the "Bill of Rights" of the National Constitution.

AMENDMENT I

Personal Freedom.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

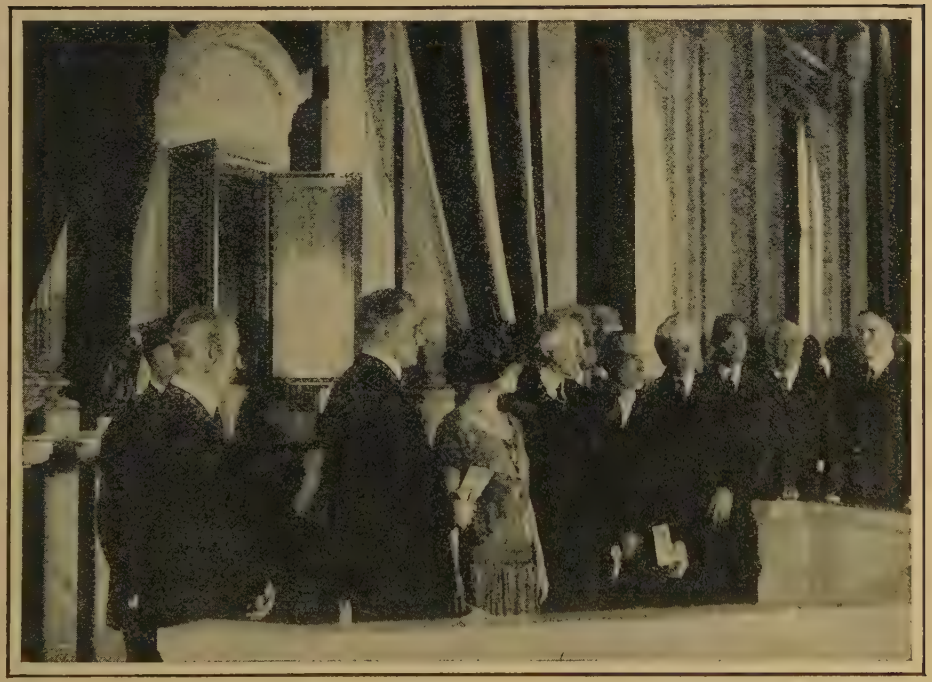
Freedom of belief and speech are a natural outgrowth of the period of settlement. An established religion is one supported wholly or in part by public taxation. By refusing use of the mails the government can further control propaganda and all types of publications detrimental to public interests.

AMENDMENT II

Right to Bear Arms.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

People can bear arms openly but not concealed unless authorized.



President and Mrs. Coolidge Witness the Enshrining of the Constitution and the Declaration of Independence

AMENDMENT III

Quartering of Soldiers.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

One of the causes of the Revolutionary War.

AMENDMENT IV

Right of Search.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

"A man's home is his castle."

Without a warrant property cannot be searched nor may papers secured without a warrant be used in evidence against a person.

AMENDMENT V

Protection of Accused.

No person shall be held to answer for a capital or other infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

The Grand Jury is a legally chosen group to secretly investigate the crime and decide whether

there is sufficient evidence for a public trial before a petit jury. A person cannot be tried twice for the same crime nor be compelled to testify against himself. According to judicial practice a wife cannot be compelled to testify against her husband. The usual method of taking private property with just compensation for public use is termed "eminent domain."

AMENDMENT VI

Rights of Accused

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

As stated this section reviews a criminal's rights.

AMENDMENT VII

Jury Trial in Lawsuits.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

This section restricts the power of the court in reviewing questions of fact upon appeal from cases tried by a jury. The Judge can order a new trial or review the law on a writ of error, but cannot substitute his opinion for the facts in the case.

AMENDMENT VIII

Bail and Punishment.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

One of the theories of our government is that a person is innocent until he is proved guilty. Giving "bail" is a guarantee that the person will appear for trial as a Judge instructs, and releases the accused from jail until the trial or hearing. If the charge is a serious one, bail may be refused. Cruel punishments are prohibited.

AMENDMENT IX

Rights Enumerated.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

It is obvious that the intelligence of the people could be trusted to retain the fundamental unwritten rights we enjoy without enumerating them.

AMENDMENT X

Powers not Delegated.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This Amendment was designed to make state and local rights even more secure.

AMENDMENT XI

State Exemption from Suit.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State.

This amendment limits the powers of the Federal Courts by preventing the government from being a party in lawsuits not only "by citizens of another state" but even by a citizen in his own state.

In 1793, Chisholm, a citizen of South Carolina, sued in the Supreme Court to recover a debt from the state of Georgia. Georgia refused to appear and the case went against her. Several similar suits were pending and the people generally disliked the idea of states being involved in the courts. Congress by almost unanimous vote submitted the above Amendment which was ratified in 1798.

Most states have therefore established a Court of Claims in which a claim against the state can be presented. When the claim is declared valid, it is customary for the state to make the necessary appropriation. If the state refuses to pay, it cannot be forced to do so.

AMENDMENT XII

New Method of Electing President and Vice President.

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom at least shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for

President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

This article, declared in force December 25, 1804, supersedes part of Article II, Section 1, Clause 3. Before the adoption of this amendment the electors voted for two candidates for President. The candidate receiving the most votes was made President and the one receiving the next highest number was made Vice President. Under this plan there could be a Republican President and a Democratic Vice President. The contest in 1800 between Jefferson and Burr when the members of the Electoral College voted by parties for the first time and the election was thrown into the House, resulted in the

adoption of this amendment. President Adams was elected by the House in 1825 and Vice President Johnson by the Senate in 1837. In 1876 a dispute arose and the controversy was referred to an Electoral Commission. The disputed votes were not counted until two days after March 4, 1877, when the new President was to be inaugurated.

AMENDMENT XIII

Abolition of Slavery. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Enforcement Clause. Congress shall have power to enforce this article by appropriate legislation.

Adopted in 1865. Designed to give the negro freedom and thereby abolishing slavery.

AMENDMENT XIV

Citizens and Their Rights. I. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Apportionment of Representatives. II. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Repre-

sentatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being of twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Loss of Political Privilege.

III. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

Public Debt.

IV. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, [*or any claim for the loss or emancipation of any slave*]; but all such debts, obligations, and claims shall be held illegal and void.

Enforcement Clause.

V. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Section I made the negro a citizen but applies to persons of foreign birth also. Sections II, III, and IV are for the most part historical. The qualifications of voters have been left largely to the states. Some states compel certain educational requirements for voters, but the power given Congress especially under Section II has never been exercised.

AMENDMENT XV

Negro Suffrage. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Enforcement Clause. The Congress shall have power to enforce the provisions of this article by appropriate legislation.

This is the last of the group of amendments giving the negro equal rights. He was freed by the thirteenth (1865), made a citizen by the fourteenth (1868), and in the fifteenth (1869) given the right to vote. Some states require literacy tests, or tests other than "race, color, or previous condition of servitude" as a qualification for voting.

AMENDMENT XVI

Income Tax. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration.

It is generally conceded that taxing incomes is the only way to reach real property values. In 1895 the Supreme Court declared an Income Tax Law unconstitutional in accordance with Article I, Section 9 (4), because it was apportioned according to wealth rather than census. For that reason the last clause is specific. More recently the Supreme Court has ruled that an income tax is a tax on the use of property and therefore a type of excise tax. Income taxes must be uniform; *i.e.*, the same on incomes of the same size, but this does not prohibit higher rates on larger incomes.

AMENDMENT XVII

Popular Election of Senators.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

Filling Vacancies.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies, provided that the Legislature of any State may empower the Executive thereof to make temporary appointments until the people fill the vacancies by election as the Legislature may direct.

Effect on Incumbents.

[*This amendment shall not be construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution.*]

This Amendment supersedes Article I, Section 3 (1), covering the election of Senators by direct vote of the people. This was thought necessary in order to avoid the possibilities of fraud that might attend selection through state legislatures and to hold Senators directly responsible to the people.

AMENDMENT XVIII

Prohibition.

[*After one year from the ratification of this article*], the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Enforcement.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Ratification Limitation. [*This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.*]

Although the time limit was set as one year, the Food Production Act passed by Congress as a war measure forbade the manufacture and sale of intoxicating liquors after July 1, 1919, so it became a law fully six months before the one year had elapsed. By a strict enforcement act ruled as constitutional one half of one per cent alcoholic content in any beverage classifies it as intoxicating. No doubt the enforcement of this amendment has injected a new note in the Constitution. Undoubtedly concurrent power as here used refers to joining forces of State and Federal Government in the enforcement, but just how far this can be carried out remains for the Supreme Court to decide.

AMENDMENT XIX

Woman Suffrage. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of sex.

Enforcement Clause. Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

This amendment is popularly known as the "Woman Suffrage Amendment." Only the question of sex is involved in it. This does not remove from the states the power to determine the qualifications of its voters, but forbids the states to make any distinction on account of sex.

CONSTITUTION OF THE STATE OF NEW JERSEY

A constitution agreed upon by the delegates of the people of New Jersey, in convention begun at Trenton on the fourteenth day of May, and continued to the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four, ratified by the people at an election held on the thirteenth day of August, A.D. 1844, and amended at a special election held on the seventh day of September, A.D. 1875, and at another special election held on the twenty-eighth day of September, A.D. 1897.

Preamble.

We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this Constitution:

The above preamble is a statement of the reasons and intent of the makers of this constitution. Here the united people of New Jersey recognize the value of democratic government and are endeavoring to preserve it in compact form for you, their children. "We, the people," is a term used first in our national Constitution. There it indicates one great consolidated government of all the people, rather than

government by states as the Articles of Confederation provided. It is the most outstanding phrase in democratic government. The phrase used here emphasizes the fact that the state government of New Jersey is a government "of the people, by the people, and for the people."

ARTICLE I

RIGHTS AND PRIVILEGES

Natural Rights.

1. All men are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

Democratic government is an outgrowth of natural desires for liberty as stated in the discussion of our national Constitution. In order to protect "good" citizens from those who abuse privileges certain guarantees are necessary in a constitution. This section guarantees personal liberty, the right to manage one's affairs as long as he does not interfere with the rights of others, protection of business from unlawful interference, and the right of making contracts and of acquiring property. Protection of a person's property is as important as protection of his life and liberty.

Political Powers.

2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

The above defines the rights of the people to express at the polls their satisfaction or dissatisfaction with laws. It also gives the power to make further laws or alter those in force to meet the changing conditions the makers anticipated.

There is not a provision in this constitution that guarantees local self-government. The national Constitution avoids provision for suffrage laws so that a state may have powers to decide who shall vote, subject only to the limitations contained in its own constitution. In leaving this power to the states the people are guaranteed political liberty.

Rights of Conscience.

3. No person shall be deprived of the inestimable privilege of worshiping Almighty God in a manner agreeable to the dictates of his own conscience; nor, under any pretense whatever, to be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged to perform.

Roger Williams was responsible for the development of religious liberty in America and in the world.

The subject of religion is controlled by states, and for that reason is treated to a greater extent in this constitution than in the national Constitution. This section is the source of the religious freedom enjoyed in our state.

4. There shall be no establishment of one religious sect in preference to another; no religious test shall be required as a

No Religious Test.

qualification for any office or public trust; and no person shall be denied the enjoyment of any civil right merely on account of his religious principles.

This section does not permit any one religious denomination to be recognized above another. It is a wise provision, because our histories give many instances of war and violence as a result of the struggle for the privileges you have inherited as a citizen of New Jersey. Your religion does not bar you from holding office or from any civil right. Persons of every religious belief are on the same basis as far as participating in or enjoying the privileges of state government.

Free Speech; Libels.

5. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

In connection with the Sedition Act, the rights stated in this section were a problem of the federal government. The result of this controversy and, in connection with it, evidence of the general disapproval of attempts to limit freedom of speech and press no doubt helped to give you a guarantee of this right. You have the right to express your ideas in speech or press as long as you have due cause or excuse.

If there is evidence that your statements are unfounded, that they give the public an unjust and unfavorable impression, the person so represented can prefer charges and secure protection through the courts. When the truth of the charge is established in the courts, a person so charged is found guilty of "libel."

Personal Security; Search Warrant.

6. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the papers and things to be seized.

The resentment of our forefathers against the abuses prior to the Revolutionary War made possible this guarantee. To-day we are free from interference in our personal affairs. "A man's home is his castle," expresses the whole idea. On the basis of sufficient cause supported by a sworn statement of the person making such a charge a "search warrant" will be issued. The sworn statement holds the maker responsible for false charges. An officer of the law makes the search for the articles specified as being illegally held or concealed.

Trial by Jury.

7. The right of a trial by jury shall remain inviolate; but the legislature may authorize the trial of civil suits, when the matter in dispute does not exceed fifty dollars, by a jury of six men.

In the Colonial Declaration of Rights, 1765, the colonists stated "that trial by jury is the inherent and invaluable right of every British subject in these

colonies." In the First Constitution of New Jersey it was provided "that the inestimable right of trial by jury shall remain confirmed, as part of the law of this colony, without repeal, forever." Thus you have inherited this guarantee secure from violation.

A jury consists of twelve qualified citizens. Their decisions must be unanimous. In a case involving $50.00 or less the jury is limited to six.

Rights of Accused.

8. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defense.

When a person is charged with crime and brought into the courts the procedure against him must be without unwarranted delay. He must have a trial in public so that the citizens may know of his treatment. He is entitled to know the charges made against him, provide or have provided lawyers for his defense, and hear the witnesses testify against him in court. His lawyer has a part in selecting the jury in order that it may be composed of fair-minded men who will render an impartial decision.

How Charged.

9. No person shall be held to answer for a criminal offense, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy; or in the militia, when in actual service in time of war or public danger.

When a person is charged with a criminal offense he must await the action of the grand jury. The

grand jury consists of qualified persons who hear witnesses brought before them. The sessions are secret. If the evidence warrants the expense of a public trial, a "true bill" or indictment is returned. An indictment is a formal charge in writing setting forth the reasons for a public trial. The whole plan was designed to prevent unjust punishments.

Note certain exceptions mentioned in this paragraph.

10. No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or presumption great. **Acquittal; Bail.**

The first part of this paragraph goes no farther than to forbid the retrial of a person found "not guilty."

Bail is allowed on presenting proper sureties or money not beyond the means of the prisoner, but of sufficient amount to discourage flight and assure his presence at the trial. When the crime and evidence against the accused justify, bail may be refused.

11. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it. **Habeas Corpus.**

Habeas corpus as used here has the same meaning as given on page 25.

12. The military shall be in strict subordination to the civil power. **Military Control.**

Civil power, meaning the will of the citizens, must prevail in a democracy. When military power continues long, the result is autocracy. In order to preserve a form of democratic government for you, this section was included.

Quartering Soldiers.

13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in a manner prescribed by law.

Turning to the Declaration of Independence, we find complaint against the king for "keeping among us in times of peace standing armies without the consent of our legislature." Early experiences convinced the people that the above section was necessary in a state constitution. A citizen's right to control his property is as necessary as his life and liberty.

Treason.

14. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

This section is an exact duplicate of Section III, Article III, of the United States Constitution.

Bail, Fines, Punishments.

15. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

This section follows the language of the United States Constitution, Amendment VIII.

16. Private property shall not be taken for public use without just compensation; but land may be taken for public highways as heretofore, until the legislature shall direct compensation to be made. **Eminent Domain.**

The power of eminent domain is the power of the government to take private property for public use. This right is justified because an individual's desires many times must be sacrificed for public benefit. A fair valuation is made and payment made to the owner before private property becomes public property. Prior to the Constitution of 1844 land was taken for highways without payment. A legislative act passed in 1850 now requires adequate compensation.

17. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace. **Imprisonment for Debt.**

The first clause guards against the former custom of imprisonment for debts, many of which had been acquired through misfortune. The last clause opposes imprisonment for militia fines in times of peace.

18. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances. **Right of Petition.**

Citizens may hold meetings and public discussions as long as their motives are for the best interests of good government. A citizen may petition any branch of the legislature on a subject of legislation in which he is interested.

Municipal Aid.

19. No county, city, borough, town, township or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation, or become security for or be directly or indirectly the owner of any stock or bonds of any association or corporation.

This section places restrictions on the use of public money and the furnishing of security to associations or corporations. It better safeguards the funds and credit of the people.

State and Municipal Aid.

20. No donation of land or appropriation of money shall be made by the State or any municipal corporation to or for the use of any society, association or corporation whatever.

The purpose here was to guard against the donation of public property or use of public funds for private or sectarian schools. There was no intention to limit aid to public educational institutions.

Saving Clause.

21. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

This clause provides for other rights than those stated and attempts to guard against misinterpretation.

ARTICLE II

RIGHT OF SUFFRAGE

Suffrage.

1. Right of Suffrage. Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this State one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are, or hereafter may be, elective

by the people; provided, that no person in the military, naval or marine service of the United States shall be considered a resident in this State, by being stationed in any garrison, barrack or military or naval place or station within this State; and no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector; and provided further, that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

Amendment XIX of the U. S. Constitution gives female citizens the right of suffrage on the same conditions as male citizens.

The qualifications for voting, unless on military duty, are:

(a) A citizen of the United States.
(b) Twenty-one years of age.
(c) A resident of the state for one year.
(d) A resident of the county in which he votes for five months.

Bribery.

2. The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery.

Bribery is the act or practice of buying another's influence or action against the interests of the public.

ARTICLE III

DISTRIBUTION OF THE POWERS OF GOVERNMENT

Departments of Government.

1. The powers of the government shall be divided into three distinct departments—the legislative, executive, and judicial; and no person or persons belonging to, or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided.

Similar to the organization of the national government, this section provides for legislative (law-making), executive (law-executing), and judicial (law-interpreting) departments.

The value of such an organization has already been discussed in connection with the national government. The prohibitive clause forbids one department of government from interfering in or encroaching on the powers that belong to another.

ARTICLE IV

LEGISLATIVE

SECTION I

Legislature.

1. The legislative power shall be vested in a senate and general assembly.

This section gives law-making powers to the senate and general assembly.

The legislature, however, is limited in its powers

regarding certain civil rights which rightfully belong to the people. For example, it cannot take private property for public use without just compensation.

Qualifications of Members.

2. No person shall be a member of the senate who shall not have attained the age of thirty years, and have been a citizen and inhabitant of the State for four years, and of the county for which he shall be chosen one year, next before his election; and no person shall be a member of the general assembly who shall not have attained the age of twenty-one years, and been a citizen and inhabitant of the State for two years, and of the county for which he shall be chosen one year next before his election; provided, that no person shall be eligible as a member of either house of the legislature, who shall not be entitled to the right of suffrage.

Comparison of Qualifications

	Senator	Member of Assembly
Years of age	30	21
Years citizen and inhabitant of state	4	2
Years citizen and inhabitant of county	1	1
Legal voter	Yes	Yes

Both must be citizens and inhabitants for one year in the county from which they are chosen, and must have the qualifications of a legal voter.

Time of Elections.

3. Members of the senate and general assembly shall be elected yearly and every year, on the first Tuesday after the first Monday in November; and the two houses shall meet separately on the second Tuesday in January next after the said day of election, at which time of meeting the legislative year shall commence; but the time of holding such election may be altered by the legislature.

The time of election is the same as provided in the national Constitution. In New Jersey an election is held each year. The legislative year begins with separate meetings of the two houses on the second Tuesday in January after election.

SECTION II

Number of Senators; Term of Office.

1. The senate shall be composed of one senator from each county in the State, elected by the legal voters of the counties, respectively, for three years.

There are twenty-one counties in the state and one senator is elected from each for a term of three years.

The senate is reorganized annually and is not a continuous body.

How Classified.

2. As soon as the senate shall meet after the first election to be held in pursuance of this constitution, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year, so that one class may be elected every year; and if vacancies happen, by resignation or otherwise, the persons elected to supply such vacancies shall be elected for the unexpired terms only.

Senators are divided into three classes as indicated in this section. One third of the senators (one class) retire yearly and are renewed for a term of three years at the election. Persons elected to supply vacancies hold office only until the expiration of the term of office vacated.

SECTION III

Members of Assembly; Apportionment

1. The general assembly shall be composed of members annually elected by the legal voters of the counties, respectively, who shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. The present apportionment shall continue until the next census of the United States shall have been taken, and an apportionment of members of the general assembly shall be made by the legislature at its first session after the next and every subsequent enumeration or census, and when made shall remain unaltered until another enumeration shall have been taken; provided, that each county shall at all times be entitled to one member; and the whole number of members shall never exceed sixty.

Members of the general assembly are elected each year by the voters of their respective districts. After and on the basis of each census the general assembly passes an act indicating the number of members to be elected from each county. Counties cannot be divided into assembly districts. The general assembly has sixty members. "Apportionment" consists in dividing the population of the state by sixty, and dividing the population of each county by this result. A correction must then be made because each county regardless of population is entitled to one member. The counties of larger population are then assigned more members to equalize representation.

SECTION IV

Vacancies.

1. Each house shall direct writs of election for supplying vacancies, occasioned by death, resignation, or otherwise; but if

vacancies occur during the recess of the legislature, the writs may be issued by the governor, under such regulations as may be prescribed by law.

Vacancies are filled by elections under the conditions mentioned.

Quorum. 2. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Similar to the plan of the national government each house passes on the qualifications of its own members. A majority of the members must be present to carry on business.

Less than this number does not constitute a quorum but has the power to adjourn and compel attendance under certain conditions.

Officers; Rules. 3. Each house shall choose its own officers, determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, may expel a member.

This clause gives each house sufficient power to preserve its dignity and assure the state of representation by people of character.

Journals. 4. Each house shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

A public record gives the citizens of the state an opportunity to trace the record of the person representing them.

The right of one-fifth present to record a vote holds a representative accountable for his action.

Adjournments.

5. Neither house, during the session of the legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Since both houses are concerned in the business of legislation one cannot have the power to delay the other.

Bills.

6. All bills and joint resolutions shall be read three times in each house, before the final passage thereof; and no bill or joint resolution shall pass unless there be a majority of all the members of each body personally present and agreeing thereto; and the yeas and nays of the members voting on such final passage shall be entered on the journal.

Entire bills are not read three times, as indicated in this paragraph because of delay. Reading the title for at least one of the three times has been held as sufficient. Final passage of a bill requires a quorum present and the votes are recorded.

Compensation.

7. Members of the senate and general assembly shall receive annually the sum of five hundred dollars during the time for which they shall have been elected and while they shall hold their office, and no other allowance or emolument, directly or indirectly, for any purpose whatever. The president of the senate and the speaker of the house of assembly shall, in virtue of their offices, receive an additional compensation, equal to one-third of their allowance as members.

The salaries of legislators should never be high enough to attract men to the office merely for salary alone. There is a higher obligation that comes with the desire to serve one's state, and compensation is secondary.

Privileges of Members.

8. Members of the senate and general assembly shall, in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the sitting of their respective houses, and in going to and returning from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

It is just that there should be no interference with the men who make our laws. Unrestricted power to express an opinion may be vital to our welfare. A member guilty of the exceptions would endanger our government.

SECTION V

Appointment to Office.

1. No member of the senate or general assembly shall, during the time for which he was elected, be nominated or appointed by the governor or by the legislature in joint meeting, to any civil office under the authority of this State which shall have been created, or the emoluments whereof shall have been increased, during such time.

Holding more than one office under the authority of the state would give overlapping power and would endanger democratic government. It would place a premium on creating offices and increasing salaries for private rather than public benefit.

2. If any member of the senate or general assembly shall be elected to represent this state in the senate or house of repre-

sentatives of the United States, and shall accept thereof, or shall accept of any office or appointment under the government of the United States, his seat in the legislature of this State shall thereby be vacated. **Vacation of Seat in Senate or General Assembly.**

There is real danger in having the same person represent us in national and state government. It has a tendency to destroy the check and balance system so necessary to the success of a government such as ours.

3. No justice of the supreme court, nor judge of any other court, sheriff, justice of the peace, nor any person or persons possessed of any office of profit under the government of this state, shall be entitled to a seat either in the senate or in the general assembly; but, on being elected and taking his seat his office shall be considered vacant; and no person holding any office of profit under the government of the United States shall be entitled to a seat in either house. **Who Ineligible.**

This paragraph further emphasizes the dangers of holding offices in different departments of state and federal government.

SECTION VI

1. Revenue bills originate in house of assembly. All bills for raising revenue shall originate in the house of assembly; but the senate may propose or concur with amendments, as on other bills. **Revenue Bills.**

As in the national government, all bills for the expenditure of money arise in the house of assembly. Because of the manner and mode of election of its members, this body was intended to be more representative of the people. The senate, however, is given power to exercise a check on such bills.

Money. 2. No money shall be drawn from the treasury but for appropriations made by law.

This paragraph safeguards the treasury.

Credit of State. 3. The credit of the State shall not be directly or indirectly loaned in any case.

The makers of the constitution realized that a state's credit determines its existence, and were careful to protect it from private interests.

Limitation on Debts; Exceptions. 4. The legislature shall not, in any manner, create any debt or debts, liability or liabilities, of the State which shall, singly or in the aggregate with any previous debts or liabilities, at any time exceed one hundred thousand dollars, except for purposes of war, or to repel invasion, or to suppress insurrection, unless the same shall be authorized by a law for some single object or work, to be distinctly specified therein; which law shall provide the ways and means, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within thirty-five years from the time of the contracting thereof, and shall be irrepealable until such debt or liability, and the interest thereon, are fully paid and discharged; and no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it at such election; and all money to be raised by the authority of such law shall be applied only to the specific object stated therein, and to the payment of the debt thereby created. This section shall not be construed to refer to any money that has been, or may be, deposited with this State by the government of the United States.

This paragraph protects the credit of the state from extravagant legislators. Before bonds are issued an act must also receive an affirmative vote of the people before being authorized.

There are definite limitations here on the amount of indebtedness, the ability to discharge the proposed debt, and a time limit is imposed to duly protect the credit of the state with certain exceptions.

SECTION VII

1. No divorce shall be granted by the legislature. **Divorce.**

The first divorces granted in America were by the legislature, there being no courts with this jurisdiction. Because of the varied religious beliefs and different social standards this led to very unsatisfactory conditions. For this reason the above paragraph became part of your constitution to guard against future evils that might develop.

The court of chancery now has jurisdiction of all cases of divorce.

2. No lottery shall be authorized by the legislature or otherwise in this State, and no ticket in any lottery shall be bought or sold within this State, nor shall pool-selling, book-making or gambling of any kind be authorized or allowed within this State, nor shall any gambling device, practice or game of chance now prohibited by law be legalized, or the remedy, penalty or punishment now provided therefor be in any way diminished. **Lotteries.**

The evils of gambling are well known. This paragraph protects those citizens who do not have the foresight or the desire to safeguard their own interests. The best citizen does not "take chances"; he requires something of value for his money.

Every prohibition mentioned is in the interests of good citizenship.

Attainder and Ex Post Facto Law.

3. The legislature shall not pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when the contract was made.

The legislature cannot destroy a contract or the right of enforcing a contract by a legislative act. A good citizen fulfills the obligations of his contracts, regardless of the consequences to himself.

Laws Embrace One Object.

4. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title. No law shall be revived or amended by reference to its title only; but the act revived, or the section or sections amended, shall be inserted at length. No general law shall embrace any provisions of a private, special or local character. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of the act, or which shall enact that any existing law, or any part thereof, shall be applicable, except by inserting it in such act.

This paragraph requires the object or general intent of every law to be expressed in the title. It makes the language of an act more definite and does not allow undesirable features to be concealed from the citizen when the bill is proposed. Restating the old laws rather than amending by title serves to avoid confusion.

Enacting.

5. The laws of this State shall begin in the following style: "Be it enacted by the Senate and General Assembly of the State of New Jersey."

Here we have the form prescribed for writing a bill. The language as given is found in every legislative act.

6. The fund for the support of free schools, and all money, stock and other property which may hereafter be appropriated for that purpose, or received into the treasury under the provision of any law heretofore passed to augment the said fund, shall be securely invested and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of public free schools, for the equal benefit of all the people of the State; and it shall not be competent for the legislature to borrow, appropriate or use the said fund, or any part thereof, for any other purpose, under any pretense whatever. The legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in this State between the ages of five and eighteen years. **Educational.**

In some states, school funds have been squandered because the men who prepared their constitutions did not realize the value and future needs of education.

This paragraph does not limit expenditures for schools at public expense out of the general funds of the state. It does prohibit the legislature from using any part of the state school fund. The income, however, is applied to the support of public schools.

The legislature is authorized to use its own judgment, with few exceptions, in providing for public education.

7. No private or special law shall be passed authorizing the sale of any lands belonging in whole or in part to a minor or minors, or other persons who may at the time be under any legal disability to act for themselves. **Rights of Minors.**

A state reserves the right to protect its citizens until they are of sufficient age to protect themselves.

Compensation for Public Use of Property.

8. Individuals or private corporations shall not be authorized to take private property for public use, without just compensation first made to the owners.

The property owner is in this way protected against powerful corporations.

Railroads and corporations must pay just compensation to the owner for the use of his property.

Special Bills.

9. No private, special, or local bill shall be passed unless public notice of the intention to apply therefor, and of the general object thereof, shall have been previously given. The legislature, at the next session after the adoption hereof, and from time to time thereafter, shall prescribe the time and mode of giving such notice, the evidence thereof, and how such evidence shall be preserved.

The makers of the constitution took opportunity here to indirectly remind the citizens of the state that they have a responsibility in the laws enacted. It is easy for a citizen to be careless about reading legal notices and keeping himself informed on subjects that vitally affect his rights. The average citizen thinks of such notices as merely legal procedure. Neglect to investigate and raise an objection to unsatisfactory laws often results in undesirable legislation.

Chancery Powers.

10. The legislature may vest in the circuit courts, or courts of common pleas within the several counties of this State, chancery powers, so far as relates to the foreclosure of mortgages and sale of mortgaged premises.

Sometimes "chancery powers" are granted to relieve certain courts, and at other times for the better accommodation of the citizens. "Chancery powers"

are granted by the legislature to courts, enabling them to do justice in cases not definitely covered by the laws, because it is impossible to anticipate in detail every point that may arise.

Laws Not to be Passed.

11. The legislature shall not pass private, local or special laws in any of the following enumerated cases; that is to say:

Laying out, opening, altering and working roads or highways.

Vacating any road, town plot, street, alley or public grounds.

Regulating the internal affairs of towns and counties; appointing local offices or commissions to regulate municipal affairs.

Selecting, drawing, summoning or empaneling grand or petit jurors.

Creating, increasing or decreasing the percentage or allowance of public officers during the term for which said officers were elected or appointed.

Changing the law of descent.

Granting to any corporation, association or individual any exclusive privilege, immunity or franchise whatever.

Granting to any corporation, association or individual the right to lay down railroad tracks.

Providing for changes of venue in civil or criminal cases.

Providing for the management and support of free public schools.

The legislature shall pass general laws providing for the cases enumerated in this paragraph, and for all other cases which, in its judgment, may be provided for by general laws. The legislature shall pass no special act conferring corporate powers, but they shall pass general laws under which corporations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal or alteration at the will of the legislature.

The whole paragraph is operative only on future legislation and does not affect what has been done in the past. It will be interesting to examine care-

fully each enumerated case and justify its restriction from future legislation.

Taxation. 12. Property shall be assessed for taxes under general laws, and by uniform rules, according to its true value.

With few exceptions, this paragraph gives the legislature unlimited powers to impose taxes on persons, property, business, and franchises. "Uniform rules" does not refer to the machinery of assessing property and collecting taxes, but to the problem of apportioning the burden among the people and classifying the property to be assessed. Many states have made a mistake in not assessing property according to its true value.

SECTION VIII

Members; Oath of Office. 1. Members of the legislature shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States and the constitution of the State of New Jersey, and that I will faithfully discharge the duties of senator (or member of the general assembly, as the case may be) according to the best of my ability."

And members-elect of the senate or general assembly are hereby empowered to administer to each other the said oath or affirmation.

You have learned elsewhere in this book why the word "affirmation" is inserted. The "Constitution of the United States" is inserted in the oath to remind the members of New Jersey's relation to the nation, and to keep them ever mindful of their obligation to the nation as well as the state.

2. Every officer of the legislature shall, before he enters upon his duties, take and subscribe the following oath or affirmation: "I do solemnly promise and swear (or affirm) that I will faithfully, impartially and justly perform all the duties of the office of . . . . . , to the best of my ability and understanding; that I will carefully preserve all records, papers, writings or property intrusted to me for safe-keeping by virtue of my office, and make such disposition of the same as may be required by law." **Oath of Officers.**

Compare this oath of office with the oath in paragraph one, and try to account for the difference in wording.

ARTICLE V

EXECUTIVE

1. The executive power shall be vested in a governor. **Executive Power.**

The governor is given power to enforce the laws and is delegated the chief executive officer of the state.

2. The governor shall be elected by the legal voters of this State. The person having the highest number of votes shall be the governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the vote of a majority of the members of both houses in joint meeting. Contested elections for the office of governor shall be determined in such manner as the legislature shall direct by law. When a governor is to be elected by the people, such election shall be held at the time when and at the places where the people shall respectively vote for members of the legislature. **Governor, Election.**

A governor is elected every third year by the legal voters of the state at the time and at the polling places designated for the election of members of the

legislature. In case of a "tie vote" the two houses in joint session choose the governor from the two candidates having the highest number of votes. Sometimes elections are contested because of charges of irregularity. The power to settle such disputes rests with the legislature.

Term.

3. The governor shall hold his office for three years, to commence on the third Tuesday of January next ensuing the election for governor by the people, and to end on the Monday preceding the third Tuesday of January, three years thereafter; and he shall be incapable of holding that office for three years next after his term of service shall have expired; and no appointment or nomination to office shall be made by the governor during the last week of his said term.

The governor is elected for a term of three years and cannot succeed himself. He is eligible to the office again after a period of three years from the close of his term. He takes office on the third Tuesday in January, a week after the two houses meet first in separate session. The governor cannot make appointments to office during the first week of his term.

Qualifications.

4. The governor shall be not less than thirty years of age, and shall have been for twenty years, at least, a citizen of the United States, and a resident of this State seven years next before his election, unless he shall have been absent during that time on the public business of the United States or of this State.

The age required for the governor is the same as that for senators. The qualifications differ, however, as to citizenship and residence. A governor must

have been a citizen of the United States for at least twenty years, and a resident of this state for seven years prior to his election. Absence during the time specified on public business of the United States or of the State of New Jersey is not considered a disqualification.

Compare the qualifications of the governor with the table under clause two, Section I of Article IV.

Compensation.

5. The governor shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

The governor's salary is ten thousand dollars per year and cannot be increased or decreased during his term of office. This clause guards against an officeholder being a party to increasing his own salary. If the salary of the governor is increased during his term or before his second or next term of office, he can if elected again, enjoy the increase in salary.

General Powers.

6. He shall be the commander-in-chief of all the military and naval forces of the State; he shall have power to convene the legislature, or the senate alone, whenever in his opinion public necessity requires it; he shall communicate by message to the legislature at the opening of each session, and at such other times as he may deem necessary the condition of the State, and recommend such measures as he may deem expedient; he shall take care that the laws be faithfully executed, and grant, under the great seal of the State, commissions to all such officers as shall be required to be commissioned.

A governor is given military power so that he can better perform his duty to enforce the law "when public necessity requires it."

His message to the legislature outlines his program and plans, and treats of the problems and

needs of the state with recommendations for their solution. It will be interesting to secure a copy of the school edition of the *Legislative Manual,* State of New Jersey, and read the last message of your governor.

Approval of Bills.

7. Every bill which shall have passed both houses shall be presented to the governor; if he approve he shall sign it, but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if, after such reconsideration, a majority of the whole number of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved of by a majority of the whole number of that house, it shall become a law; but in neither house shall the vote be taken on the same day on which the bill shall be returned to it; and in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor, within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature by their adjournment prevent its return, in which case it shall not be a law. If any bill presented to the governor contain several items of appropriations of money, he may object to one or more of such items while approving of the other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If the legislature be in session he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by a majority of the members elected to each house, the same shall be a part of the law, notwithstanding the objections of the governor. All the provisions of this section in relation to bills not approved by the governor

shall apply to cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

This paragraph provides three ways by which a bill may become a law:

(1) When passed by both houses and signed by the governor.

(2) When returned unsigned within five days to the house in which it originated with the governor's objections, and, after reconsideration, is approved by a majority of both houses.

(3) When passed by both houses and is retained by the governor for more than five days (Sunday excepted) while the legislature is in session.

Ineligibility.

8. No member of congress, or person holding an office under the United States, or this State, shall exercise the office of governor; and in case the governor, or person administering the government shall accept any office under the United States, or this State, his office of governor shall thereupon be vacant. Nor shall he be elected by the legislature to any office under the government of this State or of the United States, during the term for which he shall have been elected governor.

A governor cannot hold any other constitutional office, state or national, during his term. Nor can an officer of the national government become governor unless he resigns his other constitutional office.

Fines, Forfeitures, Reprieves.

9. The governor, or person administering the government, shall have power to suspend the collection of fines and forfeitures, and to grant reprieves, to extend until the expiration of a time not exceeding ninety days after conviction; but this power shall not extend to cases of impeachment.

The governor may grant reprieves for offenses committed against the state for a period of ninety days if he acts within ninety days after the sentence by the court.

Interference by the governor in cases of impeachment would be opposed to the public welfare because he could favor an officer adjudged unfit.

Pardons. 10. The governor, or person administering the government, the chancellor, and the six judges of the court of errors and appeals, or a major part of them, of whom the governor, or person administering the government, shall be one, may remit fines and forfeitures, and grant pardons, after convictions, in all cases except impeachment.

A pardon remits a penalty. The Court of Pardons consists of the governor, chancellor, and judges of the Court of Errors and Appeals. The clerk is the secretary of state.

Impeachment. 11. The governor and all other civil officers under this State shall be liable to impeachment for misdemeanor in office during their continuance in office, and for two years thereafter.

The governor and other civil officers are held liable for trial while in office and for two years after their terms have expired.

Impeachment is defined and discussed in relation to the national government in the section on the United States Constitution.

Vacancies. 12. In case of the death, resignation or removal from office of the governor, the powers, duties and emoluments of the office shall devolve upon the president of the senate, and in case of his death, resignation or removal, then upon the speaker of the

house of assembly, for the time being, until another governor shall be elected and qualified; but in such case another governor shall be chosen at the next election for members of the legislature, unless such death, resignation or removal shall occur within thirty days immediately preceding such next election, in which case a governor shall be chosen at the second succeeding election for members of the legislature. When a vacancy happens, during the recess of the legislature, in any office which is to be filled by the governor and senate, or by the legislature, in joint meeting, the governor shall fill such vacancy and the commission shall expire at the end of the next session of the legislature, unless a successor shall be sooner appointed; when a vacancy happens in the office of clerk or surrogate of any county, the governor shall fill such vacancy, and the commission shall expire when a successor is elected and qualified. No person who shall have been nominated to the senate by the governor for any office of trust or profit under the government of this State, and shall not have been confirmed before the recess of the legislature, shall be eligible for appointment to such office during the continuance of such recess.

In case the office of governor is vacated for the reasons mentioned in this paragraph, the president of the senate becomes governor. He acts in this capacity until the next annual election for members of the legislature is called, and the governor elected at that time takes office.

The speaker of the house of assembly is next in order of succession.

The governor has great appointive power with certain restrictions.

Impeachment Provisions.

13. In case of the impeachment of the governor, his absence from the State or inability to discharge the duties of his office, the powers, duties and emoluments of the office shall devolve upon the president of the senate; and in case of his death, resignation or removal, then upon the speaker of the house of

assembly for the time being, until the governor, absent or impeached, shall return or be acquitted, or until the disqualification or inability shall cease, or until a new governor be elected and qualified.

It is reasonable to assume that an officer under charge of abusing the privileges of his office should have his powers removed until such are established. The same provision is made for succession here as in paragraph twelve.

Succession.

14. In case of a vacancy in the office of governor from any other cause than those herein enumerated, or in case of the death of the governor-elect before he is qualified into office, the powers, duties and emoluments of the office shall devolve upon the president of the senate or speaker of the house of assembly, as above provided for, until a new governor be elected and qualified.

This section removes the possibility of the state being without a governor. The same order of succession prevails as provided elsewhere in this article.

ARTICLE VI

JUDICIARY

SECTION I

Court of Errors and Appeals.

1. The judicial power shall be vested in a court of errors and appeals in the last resort in all causes as heretofore; a court for the trial of impeachments; a court of chancery; a prerogative court; a supreme court; circuit courts, and such inferior courts as now exist, and as may be hereafter ordained and established by law; which inferior courts the legislature may alter or abolish, as the public good shall require.

This is the court of last resort in all cases, and is composed of the chancellor, the chief justice, and six specially appointed justices of the Supreme Court.

The legislature cannot impair the jurisdiction of this court because it is a constitutional court.

It is the highest tribunal in the state, from which there is no appeal.

SECTION II

Composition of Court.

1. The court of errors and appeals shall consist of the chancellor, the justices of the supreme court, and six judges, or a major part of them; which judges are to be appointed for six years.

This paragraph gives the number of members who constitute the Court of Errors and Appeals, and designates the term of office as six years.

Judges.

2. Immediately after the court shall first assemble, the six judges shall arrange themselves in such manner that the seat of one of them shall be vacated every year, in order that thereafter one judge may be annually appointed.

The six judges, when assembled for the first time, were given power to arrange a term for each member so that thereafter the term of one member would expire each year. Consequently there is one judge of this court appointed each year.

Compensation.

3. Such of the six judges as shall attend the court shall receive, respectively, a per diem compensation, to be provided by law.

The judges are now paid a salary of forty dollars a day.

Clerk. 4. The secretary of state shall be the clerk of this court.

The secretary of state is secretary of the court by right of office.

Appeals. 5. When an appeal from an order or decree shall be heard, the chancellor shall inform the court, in writing, of the reasons for his order or decree; but he shall not sit as a member, or have a voice in the hearing or final sentence.

This paragraph places restrictions on the chancellor so that he will not have an opportunity to influence decisions.

Writ of Error. 6. When a writ of error shall be brought, no justice who has given a judicial opinion in the cause in favor of or against any error complained of, shall sit as a member, or have a voice on the hearing, or for its affirmance or reversal; but the reasons for such opinion shall be assigned to the court in writing.

When an appeal is made for the judicial opinion of this court, no judge who has passed an opinion on or concurred in the judgment in the "case" so brought from a lower court is entitled to sit as a member or have a voice in the hearing.

SECTION III

Impeachment. 1. The house of assembly shall have the sole power of impeaching, by a vote of a majority of all the members; and all impeachments shall be tried by the senate; the members, when sitting for that purpose, to be on oath or affirmation "truly and impartially to try and determine the charge in question according to evidence"; and no person shall be convicted without the concurrence of two-thirds of all the members of the senate.

This paragraph gives the house of assembly the sole power of impeachment by a majority vote. The members of the house of assembly conduct the trial, and the senate acts as a jury. A two-thirds vote is necessary for the conviction of the judge so charged.

2. Any judicial officer impeached shall be suspended from exercising his office until his acquittal. **Suspension During Trial.**

After his "term of suspension" a judge resumes office again if he is found "not guilty" of the charges lodged against him.

3. Judgment in cases of impeachment shall not extend farther than to removal from office, and to disqualification to hold and enjoy any office of honor, profit or trust under this State; but the party convicted shall, nevertheless, be liable to indictment, trial and punishment according to law. **Effect of Judgment.**

If a judge is found "guilty" in the trial, he cannot have any greater penalty inflicted on him than that of ineligibility to other state offices of trust and removal from office. This trial, however, does not remove the possibility of indictment and trial in the courts.

4. The secretary of state shall be the clerk of this court. **Clerk.**

SECTION IV

1. The court of chancery shall consist of a chancellor. **Chancery.**

The court of chancery now consists of a chancellor and ten vice chancellors.

Prerogative Court.

2. The chancellor shall be the ordinary or surrogate general, and judge of the prerogative court.

The chancellor is the judge of this court, which has authority to grant the probate of wills, letters of administration, and the settlement arising out of the same. Its decisions can be appealed to the Court of Errors and Appeals.

Orphans' Court.

3. All persons aggrieved by any order, sentence or decree of the orphans' court, may appeal from the same, or from any part thereof to the prerogative court; but such order, sentence or decree shall not be removed into the supreme court, or circuit court if the subject-matter thereof be within the jurisdiction of the orphans' court.

This court is in charge of the judge of the Court of Common Pleas. The justices of the Supreme Court are judges *ex officio*. This court decides disputes relating to wills, accounts of executors of estates, and the recovery of property rightfully belonging to heirs. In order to protect the best interests of persons seeking relief in this court, special provision is made for appeals from its decisions. In such cases a "Writ of Certiorari" may be necessary. "Certiorari" means "to be certified," and is an order from a higher court to a lower court to send up certain papers required by the higher court. "This writ prevents the lower court from blocking the actions on an appealed case in a higher court by refusing to send up important documents needed in the case."

Register.

4. The secretary of state shall be the register of the prerogative court, and shall perform the duties required of him by law in that respect.

SECTION V

1. The supreme court shall consist of a chief justice and four associate justices. The number of associate justices may be increased or decreased by law, but shall never be less than two. **Supreme Court.**

The chief justice and eight associate justices now compose the Supreme Court. Any one of the nine justices may hold court. The court meets at Trenton the third Tuesday in February and the first Tuesdays, respectively, of June and November.

Special terms may be ordered if necessary. It has jurisidiction over all real, personal, or mixed actions at common law, and has the power to decide when the laws and joint resolutions have not been duly passed and approved. It has power to review the proceedings of other courts, and the only appeal is to the Court of Errors and Appeals. The court is now divided into parts I, II, and III, because it has grown to such an extent since this constitution was adopted.

2. The circuit courts shall be held in every county of this State, by one or more of the justices of the supreme court, or a judge appointed for that purpose, and shall, in all cases within the county except in those of a criminal nature, have common law jurisdiction, concurrent with the supreme court; and any final judgment of a circuit court may be docketed in the supreme court, and shall operate as a judgment obtained in the supreme court from the time of such docketing. **Circuit Court.**

This court has equal authority, *i.e.*, "concurrent jurisdiction" with the supreme court except in criminal cases. It has authority to try supreme court

issues and holds three stated terms annually, and a special term when so ordered by a justice of the supreme court.

Appeals from the final judgment of this court are taken to the Court of Errors and Appeals.

There are now ten judges in this court appointed by the governor.

Appeals. 3. Final judgments in any circuit court may be brought by writ of error into the supreme court, or directly into the court of errors and appeals.

Refer to paragraph two of this section.

SECTION VI

Court of. 1. There shall be no more than five judges of the inferior court of common pleas in each of the counties in this State, after the terms of the judges of said court now in office shall terminate. One judge for each county shall be appointed every year, and no more, except to fill vacancies, which shall be for the unexpired term only.

This court holds three stated terms each year and special terms at the order of the Supreme Court. Its jurisdiction is extensive, since it involves nearly all personal actions, changing the name of a town in the county, or of any person on his request, cases relating to insolvency, roads, or wrecks, as well as applications for exemptions from military duty. It decides suits against constables who neglect to execute warrants, grants licenses, and tries cases referred to it by the Circuit Court, and certifies the same to the Supreme Court.

The justice of the Supreme Court, holding the Circuit Court within the county, is *ex-officio* judge of the Court of Common Pleas.

Judges Commissioned.

2. The commissions for the first appointments of judges of said court shall bear date and take effect on the first day of April next; and all subsequent commissions for judges of said court shall bear date and take effect on the first day of April in every successive year, except commissions to fill vacancies, which shall bear date and take effect when issued.

The judges of this court are commissioned to take office the first day of April.

SECTION VII

Justices of the Peace.

1. There may be elected under this constitution two, and not more than five, justices of the peace in each of the townships of the several counties of this State, and in each of the wards, in cities that may vote in wards. When a township or ward contains two thousand inhabitants or less, it may have two justices; when it contains more than two thousand inhabitants, and not more than four thousand, it may have four justices; and when it contains more than four thousand inhabitants, it may have five justices; provided, that whenever any township not voting in wards contains more than seven thousand inhabitants, such township may have an additional justice for each additional three thousand inhabitants above four thousand.

The justices of the peace are elected as indicated in this paragraph. They have charge of the lowest courts with common law and criminal jurisdiction. This court is limited to cases involving less than two hundred dollars, and an appeal can be made from its decisions to the Court of Quarter Sessions.

Cases such as arise in connection with the enforce-

ment of traffic laws under the Motor Vehicle Act and preservation of game under the Fish and Game Act are brought before a justice of the peace for decision.

Census. 2. The population of the townships in the several counties of the State and of the several wards shall be ascertained by the last preceding census of the United States, until the legislature shall provide, by law, some other mode of ascertaining it.

This paragraph makes the last federal census the basis for interpreting this section.

ARTICLE VII

MILITARY

Appointing Power and Tenure of Office

SECTION I

Militia. 1. The legislature shall provide by law for enrolling, organizing, and arming the militia.

This paragraph provides for a militia to keep peace within the state and to protect the lives and property of its citizens.

Officers. 2. Captains, subalterns and non-commissioned officers shall be elected by the members of their respective companies.

Field Officers. 3. Field officers of regiments, independent battalions and squadrons shall be elected by the commissioned officers of their respective regiments, battalions or squadrons.

Brigadiers. 4. Brigadier-generals shall be elected by the field officers of their respective brigades.

Major-Generals and Others. 5. Major-generals, the adjutant-general and quartermaster-general shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

6. The legislature shall provide, by law, the time and manner of electing militia officers, and of certifying their elections to

the governor, who shall grant their commissions, and determine their rank, when not determined by law; and no commissioned officer shall be removed from office but by the sentence of a court-martial, pursuant to law. **Commissions; Removals.**

7. In case the electors of subalterns, captains or field officers shall refuse or neglect to make such elections, the governor shall have power to appoint such officers, and to fill all vacancies caused by such refusal or neglect. **Vacancies; How Filled.**

8. Brigade inspectors shall be chosen by the field officers of their respective brigades. **Inspectors.**

9. The governor shall appoint all militia officers whose appointment is not otherwise provided for in this constitution. **Other Officers.**

10. Major-generals, brigadier-generals and commanding officers of regiments, independent battalions and squadrons shall appoint the staff officers of their divisions, brigades, regiments, independent battalions and squadrons, respectively. **Staff Officers.**

The above paragraphs outline the organization of the state military forces. They list the various officers and indicate methods of selection.

You will note that the provisions guard against the possibility of military control and are representative of the people's desires. We could hardly expect more in a democratic form of state government where the exercise of military duties is sometimes necessary for the general welfare of its citizens.

SECTION II

CIVIL OFFICERS

1. Justices of the supreme court, chancellor, judges of the court of errors and appeals and judges of the inferior court of common pleas shall be nominated by the governor, and appointed by him, with the advice and consent of the senate. **Justices; Chancellor and Judges.**

The justices of the supreme court and the chancellor shall hold their offices for the term of seven years, shall, at stated times, receive for their services a compensation which shall not be diminished during the term of their appointments; and they

shall hold no other office under the government of this State or of the United States.

The judicial department of the state should be safeguarded from interference above all other departments. The judges constituting this department are delegated to actually interpret and apply the law in the various situations that arise.

The governor nominates and appoints the judges mentioned, but the confirmation of the senate is necessary. These judges hold office for a term of seven years which, as you know, is much longer than the governor's term of office.

Judges of Pleas.

2. Judges of the courts of common pleas shall be appointed by the senate and general assembly in joint meeting.[1]

In this paragraph we have another method of the administration of justice in the courts. This time the term is for five years and the judges are appointed by the two houses in joint session.

Treasurer, Comptroller.

3. The state treasurer and comptroller shall be appointed by the senate and general assembly, in joint meeting.

They shall hold their offices for three years, and until their successors shall be qualified into office.

[1] This provision that the judges of the courts of common pleas shall be appointed by the senate and general assembly in joint meeting, which was in the Constitution as ratified in 1844, and never since formally expunged, is disregarded because of the amendment made in 1875 in paragraph one of this section, which provides, *inter alia*, that judges of the inferior courts of common pleas shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

They shall hold their offices for five years; but when appointed to fill vacancies, they shall hold for the unexpired term only.

The direct representatives elected by the people to both houses select the officers intrusted with the funds of the state in joint session. The term is the same as that of the governor. The offices so appointed should be persons of integrity, business training, and experience.

Attorney-General and Others.

4. The attorney-general, prosecutors of the pleas, clerk of the supreme court, clerk of the court of chancery, secretary of state and the keeper of the state prison shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

They shall hold their offices for five years.

The attorney-general is the legal advisor of the governor and head of the state legal department.

All the officers listed in this paragraph are appointed by the governor when confirmed by the senate for a period of five years.

Reporters.

5. The law reporter shall be appointed by the justices of the supreme court, or a majority of them; and the chancery reporter shall be appointed by the chancellor.

They shall hold their offices for five years.

The work of a reporter is so closely related to the work of the officers mentioned that they should be given the power of selection. This plan enables the people to hold an officer responsible for the efficiency of his department.

Clerks; Surrogates.

6. Clerks and surrogates of counties shall be elected by the people of their respective counties, at the annual elections for members of the general assembly.

They shall hold their offices for five years.

Counties are given the power to elect their own officers for a term of five years although they are constitutional officers.

"Surrogates" are court officers dealing with the probating or proving of wills and the settlement of estates.

Sheriffs and Coroners.

7. Sheriffs and coroners shall be elected by the people of their respective counties, at the elections for members of the general assembly, and they shall hold their offices for three years, after which three years must elapse before they can be again capable of serving. Sheriffs shall annually renew their bonds.

Sheriffs and coroners are also elected by the people in their respective counties at the time of general assembly elections and for a period of three years.

A sheriff is a bonded executive officer of the county. He is a "court messenger," carries out the order of the judges, and keeps peace in the county.

If a person is found dead under suspicious circumstances, the coroner conducts an investigation to determine the cause of death. If evidence of crime is disclosed, an effort is made to place the blame for the crime by other officers.

The two offices are perhaps the oldest in the entire country and date back to the English "shire reeve" and "crowner," the king's personal representative in the shire, or county.

Election of Justices; Commissions.

8. Justices of the peace shall be elected by ballot at the annual meetings of the townships in the several counties of the State, and of the wards in cities that may vote in wards, in such manner and under such regulations as may be hereafter provided by law.

They shall be commissioned for the county, and their commissions shall bear date and take effect on the first day of May next after their election.

They shall hold their offices for five years; but when elected to fill vacancies, they shall hold for the unexpired term only; provided, that the commission of any justice of the peace shall become vacant upon his ceasing to reside in the township in which he was elected.

The first election for justices of the peace shall take place at the next annual town meetings of the townships in the several counties of the State, and of the wards in cities that may vote in wards.

The jurisdiction of a justice of peace is limited to petty, civil, and criminal cases.

He settles questions in dispute brought before him and administers other judicial duties of a lesser nature. He is elected by ballot for a term of five years. The "commission" is a document over the governor's signature conferring authority to carry out the duties of the office.

9. All other officers, whose appointments are not otherwise provided for by law, shall be nominated by the governor, and appointed by him, with the advice and consent of the senate; and shall hold their offices for the time prescribed by law. **Appointment of Other Officers.**

This paragraph gives the governor power with the consent of the senate to appoint other officers, as the need may arise.

10. All civil officers elected or appointed pursuant to the provisions of this constitution, shall be commissioned by the governor. **Authority to Commission.**

The right to grant commissions enables the governor to exercise his power of authority over civil offi-

cers of the state. The document also enables the officer to verify his authority.

Terms of Office.

11. The term of office of all officers elected or appointed, pursuant to the provisions of this constitution, except when herein otherwise directed, shall commence on the day of the date of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent of said office.

A commissioned officer cannot exercise the authority of his office unless his commission is in force.

ARTICLE VIII

STATE SEAL

Auditor.

1. The secretary of state shall be ex-officio an auditor of the accounts of the treasurer, and as such, it shall be his duty to assist the legislature in the annual examination and settlement of said accounts, until otherwise provided by law.

Auditors are authorized persons who examine the books and records and verify the accounts and claims against the state.

The secretary of state is required to assist the legislature in auditing the balance sheet submitted annually. *Ex officio* means by right or virtue of his office but without other special authority.

State Seal.

2. The seal of the state shall be kept by the governor or person administering the government, and used by him officially, and shall be called the great seal of the State of New Jersey. (See front cover.)

To What Documents Affixed.

3. All grants and commissions shall be in the name and by the authority of the State of New Jersey, sealed with the great seal, signed by the governor, or person administering the gov-

ernment, and countersigned by the secretary of state, and it shall run thus: "The State of New Jersey to ————————, greeting." All writs shall be in the name of the State; and all indictments shall conclude in the following manner, viz.: "against the peace of this State, the government and dignity of the same."

The above paragraph lists the documents that must have an imprint of the state seal by its proper officer. All such documents must be signed by the governor, the chief executive officer of the state, and the secretary of state, the custodian of the great seal.

In Force September 2, 1844.

4. This constitution shall take effect and go into operation on the second day of September, in the year of our Lord one thousand eight hundred and forty-four.

This paragraph puts the present constitution in effect and renders inoperative the First Constitution adopted July 2, 1776.

ARTICLE IX

AMENDMENTS

How the Constitution Can Be Amended.

Any specific amendment or amendments to the constitution may be proposed in the senate or general assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be published for three months previous to making such choice, in at least one newspaper of each county, if any be published therein; and if in the legislature next chosen as aforesaid, such proposed amendment or amendments, or any of them, shall be agreed to by a majority of all the members elected

The Capitol Building at Trenton

to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments, or such of them as may have been agreed to as aforesaid by the two legislatures, to the people, in such manner and at such time, at least four months after the adjournment of the legislature, as the legislature shall prescribe; and if the people at a special election to be held for that purpose only, shall approve and ratify such amendment or amendments, or any of them, by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments so approved and ratified shall become part of the constitution; provided, that if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly; but no amendment or amendments shall be submitted to the people by the legislature oftener than once in five years.

Recognizing the fact that a constitution must be safe from temporary conditions, the makers were wise in making the constitution difficult to amend.

Amendments can be proposed in either house. A proposed amendment must pass both houses by a majority vote. It is then published as required and submitted after the next election for further action to the reorganized senate and general assembly. If passed again by a majority vote of the members of both houses, the legislature shall set a time for a special election for this purpose only, within four months after its adjournment. At the election, so called, they shall submit the proposed amendment to the people for popular vote.

If more than one amendment is submitted to the voters at the same election, the legislature must provide ways and means for the voters to approve or disapprove each separately and distinctly.

If the voters express themselves at the polls as favoring the amendment as proposed, acted upon by the legislatures, and submitted to vote, it becomes part of the constitution. Such an election can be held only once in five years.

ARTICLE X

SCHEDULE.

Schedule for the Change from Government Under the Constitution of 1776 to This Constitution.

That no inconvenience may arise from the change in the constitution of this State, and in order to carry the same into complete operation, it is hereby declared and ordained, that—

1. The common law and statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature; and all writs, actions, causes of action, prosecutions, contracts, claims and rights of individuals and of bodies corporate, and of the State, and all charters of incorporation, shall continue, and all indictments which shall have been found, or which may hereafter be found, for any crime or offense committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts of law and equity, except as herein otherwise provided, shall continue with the like powers and jurisdiction as if this constitution had not been adopted.

2. All officers now filling any office or appointment shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless by this constitution it is otherwise directed.

3. The present governor, chancellor and ordinary or surrogate-general and treasurer shall continue in office until successors elected or appointed under this constitution shall be sworn or affirmed into office.

4. In case of the death, resignation or disability of the present governor, the person who may be vice-president of council at the time of the adoption of this constitution shall continue in office

and administer the government until a governor shall have been elected and sworn or affirmed into office under this constitution.

5. The present governor, or in case of his death or inability to act, the vice-president of council, together with the present members of the legislative council and secretary of state, shall constitute a board of state canvassers, in the manner now provided by law, for the purpose of ascertaining and declaring the result of the next ensuing election for governor, members of the house of representatives, and electors of president and vice-president.

6. The returns of the votes for governor, at the said next ensuing election, shall be transmitted to the secretary of state, the votes counted, and the election declared in the manner now provided by law in the case of the election of electors of president and vice-president.

7. The election of clerks and surrogates, in those counties where the term of office of the present incumbent shall expire previous to the general election of eighteen hundred and forty-five, shall be held at the general election next ensuing the adoption of this constitution; the result of which election shall be ascertained in the manner now provided by law for the election of sheriffs.

8. The elections for the year eighteen hundred and forty-four shall take place as now provided by law.

9. It shall be the duty of the governor to fill all vacancies in office happening between the adoption of this constitution and the first session of the senate, and not otherwise provided for, and the commissions shall expire at the end of the first session of the senate, or when successors shall be elected or appointed and qualified.

10. The restriction of the pay of members of the legislature, after forty days from the commencement of the session, shall not be applied to the first legislature convened under this constitution.

11. Clerks of counties shall be clerks of the inferior courts of common pleas and quarter sessions of the several counties, and perform the duties, and be subject to the regulations now required of them by law until otherwise ordained by the legislature.

12. The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

This entire article is a precautionary measure in order to avoid confusion in changing from the first constitution to this constitution.

Care is taken to provide for every emergency, so that the change in the plan of government will not impair the rights of any citizens of the state.

The last clause is perhaps the most important because of its provision for the future.

This can be truly called the "elastic clause" of your constitution.

State of New Jersey:

I, Thomas F. Martin, Secretary of State of the State of New Jersey, do hereby certify the foregoing to be a true copy of the Constitution of the State of New Jersey as amended, as the same is taken from and compared with the original Constitution and amendments thereto, now remaining on file in my office.

In testimony whereof, I have hereunto set my hand [L. S.] and affixed my official seal, this twenty-sixth day of October, A. D. eighteen hundred and ninety-seven.

THOMAS F. MARTIN.

OUTLINE OF THE CONSTITUTION

OF THE

STATE OF NEW JERSEY

PREAMBLE

The Reasons and Intent of the Makers.

ARTICLE I.

RIGHTS AND PRIVILEGES.

Defines individual rights and privileges; provides for religious freedom; prohibits establishment of a state church; grants freedom of speech and protection against unreasonable searches; guarantees and regulates trial by jury; habeas corpus not to be suspended; acquitted persons not to be retried for same offence; defines treason; prohibits excessive bail; private property not to be taken for public use without compensation; prohibits imprisonment for debt; guarantees rights of assemblage; prohibits appropriations for use of private corporations, associations or individuals.

ARTICLE II.

RIGHT OF SUFFRAGE.

1. Who entitled to.—See Amendment U. S. Const.
2. Disfranchisement for bribery.

ARTICLE III.

DISTRIBUTION OF POWERS OF GOVERNMENT.

1. Legislative, executive and judicial; powers of one department not to be exercised by any person or persons belonging to either of the other departments.

ARTICLE IV.

Legislative.

1. (1) Legislative powers vested in senate and general assembly; (2) qualifications of legislative members; (3) when to be elected.

2. (1) Number and term of senators; (2) vacancies filled for unexpired term.

3. Number of assembly members; apportionment to counties.

4. (1) Writs of election to fill vacancies in legislature; (2) each house judge of qualifications and election of its own members; quorum; adjournment; absent members; (3) each house to choose own officers; (4) each house to keep journal; yea and nay vote; (5) one house may not adjourn for more than three days; (6) bills and joint resolutions to be read three times; vote necessary to pass; (7) compensation of members; (8) members privileged from arrest in certain cases; not accountable elsewhere for speeches in legislature.

5. Restrictions as to legislators holding other offices or other officers serving in legislature.

6. Raising revenue; appropriations; state debt.

7. Limitations and prohibitions as to laws that may be enacted; form of enactment; school fund; special legislation; taxation of property.

8. Oaths of legislators.

ARTICLE V.

Executive.

1. Governor to have executive power.

2. Election of governor.

3. Governor: term; not to succeed self; limitation as to appointments by.

4. Qualifications of governor.

5. Compensation of governor.

6. Governor commander-in-chief state's militia and naval forces; may convene legislature, commission officers recommend legislation.

7. Veto of bills by governor; procedure.

8. Governor not to hold other office.

9. Governor may grant reprieves.

10. Governor and others may grant pardons.
11. Governor and civil officers may be impeached.
12-14. Vacancy in governorship; successor (acting governor) in case of vacancy.

ARTICLE VI.

Judiciary.

1. Defines different courts.
2. Court of errors; how constituted, terms and compensation.
3. Court of Impeachment; powers and procedure.
4. Court of chancery.
5. Supreme and circuit courts.
6. Common pleas court.
7. Justices of the peace.

ARTICLE VII.

Appointing Power and Tenure of Office.

1. Militia officers; (1) legislature to provide for organizing militia; (2-10) militia officers and how chosen.
2. Civil officers and their terms and manner of appointment.

ARTICLE VIII.

General Provisions.

Auditing treasurer's accounts; state seal; form of grants; commissions, writs and indictments; when constitution effective.

ARTICLE IX.

Amendments.

Manner and time of making amendments to constitution and restriction as to frequency of proposing amendments.

ARTICLE X.

Schedule.

Makes provision for contingencies at time of and immediately following constitution going into effect.

Betsy Ross Making the First Flag

FULL HONORS TO OUR FLAG

Realizing the need for an authentic code of flag etiquette, representatives of sixty-eight patriotic organizations met in Washington, D.C., at the request of the American Legion. The code drafted by that conference is printed here through courtesy of the *American Legion Weekly*. While the rules adopted by the conference have no official government sanction, nevertheless they represent the authoritative opinion of the principal patriotic bodies of the United States and of Army and Navy experts, and are binding on all of the organizations which took part in the gathering. They are being followed now by 113 patriotic organizations. The rules as given below are from the final corrected draft of the code as brought out of the conference.

Description of the Flag.

The Flag of the United States of America has thirteen horizontal stripes—seven red and six white, the red and white stripes alternating—and a union which consists of white stars of five points on a blue field placed in the upper quarter next the staff and extending to the lower edge of the fourth red stripe from the top. The number of stars is the same as

the number of states in the Union. The canton or union now contains forty-eight stars arranged in six horizontal and eight vertical rows, each star with one point upward. On the admission of a state into the Union a star will be added to the union of the Flag, and such addition will take effect on the July fourth next succeeding such admission.

The proportions of the Flag as prescribed by Executive Order of President Taft, October 29, 1912, are as follows:

Hoist (width) of flag	1.
Fly (length) of flag	1.9
Hoist (width) of union	7/13
Fly (length) of union	0.76
Width of each stripe	1/13
Diameter of each star	.0616

There are certain fundamental rules of heraldry which, if understood generally, would indicate the proper method of displaying the flag. The matter becomes a very simple one if it is kept in mind that the National Flag represents the living country and is itself considered as a living thing. The union of the flag is the honor point; the right arm is the sword arm, and therefore the point of danger and hence the place of honor.

Code of the Flag.

1. The Flag should be displayed only from sunrise to sunset, or between such hours as may be designated by proper authority. It should be hoisted briskly but should be lowered slowly and

ceremoniously. The Flag should be displayed on all national and state holidays and on historic and special occasions.

2. When carried in a procession with another flag or flags, the Flag of the United States of America should be either on the marching right—*i.e.,* the Flag's own right—or, when there is a line of other flags, the Flag of the United States of America may be in front of the center of that line.

3. When displayed with another flag against a wall from crossed staffs, the Flag of the United States of America should be on the right—the Flag's own right—and its staff should be in front of the staff of the other flag.

4. When a number of flags of states or cities or pennants of societies are grouped and displayed from staffs with the Flag of the United States of America, the latter should be at the center or at the highest point of the group.

5. When flags of states or cities or pennants of societies are flown on the same halyard with the Flag of the United States of America, the latter should always be at the peak. When flown from adjacent staffs the Flag of the United States of America should be hoisted first and lowered last. No such flag or pennant, flown in the former position, should be placed above, or, in the latter position, to the right of the Flag of the United States of America; *i.e.,* to the observer's left.

6. When flags of two or more nations are displayed, they should be flown from separate staffs

of the same height and the flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

7. When the Flag is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of building, the union of the Flag should go clear to the peak of the staff unless the Flag is at half staff. When the Flag is suspended over a sidewalk from a rope, extending from a house to a pole at the edge of the sidewalk, the Flag should be hoisted out from the building toward the pole, union first.

8. When the Flag is displayed in a manner other than by being flown from a staff it should be displayed flat, whether indoors or out. When displayed either horizontally or vertically against a wall, the union should be uppermost and to the Flag's own right; *i.e.*, to the observer's left. When displayed in a window it should be displayed the same way—with the union or blue field to the left of the observer in the street. When festoons, rosettes, or drapings are desired, bunting of blue, white, and red should be used, but never the Flag.

9. When displayed over the middle of the street, the Flag should be suspended vertically with the union to the north in an east and west street, or to the east in a north and south street.

10. When used on a speaker's platform, the Flag, if displayed flat, should be displayed above and behind the speaker. If flown from a staff, it should

be in the position of honor, at the speaker's right. It should never be used to cover the speaker's desk or to drape over the front of the platform.

11. When used in connection with the unveiling of a statue or monument, the Flag should form a distinctive feature during the ceremony, but the Flag itself should never be used as the covering for the statue.

12. When flown at half-staff, the Flag should be hoisted to the peak for an instant and then lowered to the half-staff position; but before lowering the Flag for the day it should be raised again to the peak. By half-staff is meant hauling down the flag to one half the distance between the top and the bottom of the staff. If local conditions require, divergence from this position is permissible. On Memorial Day, May 30, the Flag is displayed at half-staff from sunrise until noon and at full staff from noon until sunset, for the nation lives, and the Flag is the symbol of the living nation.

13. Flags flown from fixed staffs are placed at half-staff to indicate mourning. When the Flag is displayed on a small staff, as when carried in a parade, mourning is indicated by attaching two streamers of black crêpe to the spearhead, allowing the streamers to fall naturally. Crêpe is used on the flagstaff only by order of the President.

14. When used to cover a casket, the Flag should be placed so that the union is at the head and over the left shoulder. The Flag should not be lowered

into the grave or allowed to touch the ground. The casket should be carried foot first.

15. When the Flag is displayed in the body of the church it should be from a staff placed in the position of honor—at the congregation's right as they face the clergyman. The service flag, the state flag, or other flag should be at the left of the congregation. If in the chancel or on the platform, the Flag of the United States of America should be placed at the clergyman's right as he faces the congregation, and the other flags at his left.

16. When the Flag is in such a condition that it is no longer a fitting emblem for display, it should not be cast aside or used in any way that might be viewed as disrespectful to the national colors, but should be destroyed as a whole, privately, preferably by burning or by some other method in harmony with the reverence and respect we owe to the emblem representing our country.

CAUTIONS

1. Do not permit disrespect to be shown to the Flag of the United States of America.

2. Do not dip the Flag of the United States of America to any person or any thing. The regimental colors, state flag, organization or institutional flag will render this honor.

3. Do not display the Flag with the union down except as a signal of distress.

4. Do not place any other flag or pennant above

or, if on the same level, to the right of the Flag of the United States of America.

5. Do not let the Flag touch the ground or the floor or trail in the water.

6. Do not place any object or emblem of any kind on or above the Flag of the United States of America.

7. Do not use the Flag as drapery in any form whatsoever. Use bunting of blue, white, and red.

8. Do not fasten the Flag in such manner as will permit it to be easily torn.

9. Do not drape the Flag over the hood, top, sides or back of a vehicle, or of a railway train or boat. When the Flag is displayed on a motor car, the staff should be affixed firmly to the chassis, or clamped to the radiator cap.

10. Do not display the Flag on a float in a parade except from the staff.

11. Do not use the Flag as a covering for a ceiling.

12. Do not carry the Flag flat or horizontally, but always aloft and free.

13. Do not use the Flag as a portion of a costume or of an athletic uniform. Do not embroider it on cushions or handkerchiefs, or print it on paper napkins or boxes.

14. Do not put lettering of any kind on the Flag.

15. Do not use the Flag in any form of advertising or fasten an advertising sign to a pole from which the Flag is flown.

16. Do not display, use, or store the Flag in such

a manner as will permit it to be easily soiled or damaged.

PROPER USE OF BUNTING

Bunting of blue, white, and red should be used for covering a speaker's desk, draping over the front of a platform and for decoration in general. Bunting should be arranged with the blue above, the white in the middle, and the red below.

Salute to the Flag.

During the ceremony of hoisting or lowering the Flag or when the Flag is passing in a parade or in a review, all persons present should face the Flag, stand at attention, and salute. Those present in uniform should render the right hand salute. When not in uniform, men should remove the headdress with the right hand and hold it at the left shoulder, the hand being over the heart. Women should salute by placing the right hand over the heart. The salute to the Flag in a moving column is rendered at the moment the Flag passes.

Pledge to the Flag.

In pledging allegiance to the Flag of the United States of America, the approved practice in schools, which is suitable also for civilian adults, is as follows:

Standing with the right hand over the heart, all repeat together the following pledge:

"I pledge allegiance to the Flag of the United States of America and to the Republic for which it

stands; one nation indivisible, with liberty and justice for all."

At the words "to the Flag" the right hand is extended, palm upward, toward the Flag, and this position is held until the end, when the hand, after the words "justice for all," drops to the side.

However, civilian adults will always show full respect to the Flag when the pledge is being given by merely standing at attention, men removing the headdress. Persons in uniform should render the right hand salute.

Salute to National Anthem.

When the national anthem is played and the Flag is not displayed, all present should stand and face toward the music. Those in uniform should salute at the first note of the anthem, retaining this position until the last note. All others should stand at attention, men removing the headdress. When the Flag is displayed, the regular "salute to the Flag" should be given.

"The Star Spangled Banner" is recommended for universal recognition as the national anthem.

The Shield.

The shield of the United States of America has thirteen vertical stripes—seven white and six red—with a blue chief without stars.

Federal Flag Laws.

There is but one Federal statute which protects the Flag throughout the country from desecration. This law provides that a trademark cannot be registered which consists of or comprises, among other

things, "the Flag, coat of arms, or other insignia of the United States or any simulation thereof" (33 Stat. L., p. 725, February 20, 1905). Congress has also enacted legislation providing certain penalties for the desecration, mutilation, or improper use of the Flag in the District of Columbia (39 Stat. L., p. 900, February 8, 1917).

THE AMERICAN CREED

WILLIAM TYLER PAGE

"I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign nation of many sovereign states; a perfect union, one and inseparable; established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes.

"I therefore believe it is my duty to my country to love it; to support its Constitution; to obey its laws, to respect its flag, and to defend it against all enemies."

Paul F. Sinclair H. R. T. 26-27

Otto E. Fischer.

Caroline L. Hinman

Florence E. Ditmars

Caroline Wetzel.

Alma A. Schmarbz.

MARY J. KELLY

Lillian L. Mathes

E. J. Holmes

Lois M. Armstrong.

Caroline Sutton

Bertha M. Irwin

Helen F. Farley - Gym

Rev Dunn

Helena B. Mahlow.

William J. O'Brien

E. Mae Longstreet

Marguerite R. Rahn

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